A

JUST and MODEST

VINDICATION

OF THE

Scots Design,

For the having Eſtabliſhed a

Colony *at* Darien.

WITH

A Brief *Diſplay*, how much it is their *Intereſt*, to apply themſelves to *Trade*, and particularly to that which is *Foreign*.

Sanctiora ſunt Patriæ Jura, quam Hoſpitii. Corn. Nep. in vit. Timoth. Nemo Patriam amat quia Magna eſt, ſed quia Sua. Senec. Epiſt. 66.

Printed in the Year, 1699.

TO THE
READER.

THere being no Dedication of this Diſcourſe; a Preface is therefore not only the more allowable, but neceſſary. For how vain, as well as impertinent ſoever, they are deſervedly accounted, who think either to recommend, or to cover, an unſeaſonable, uſeleſs and triſling Book, from Cenſure, Contempt and Ridicule, by their Emitting it under the uſurped Patronage of a great Name; yet it is to Treat thoſe, into whoſe Hands Authors are ambitious to have their Papers to fall, and of whoſe good Opinion they are covetous, with Rudeneſs, as well as with want of Reſpect, not to afford them thoſe previous Advertiſements, and vouchſafe them the Lights which may let them decently in to what they are invited to Peruſe, and ſerve both to obviate Miſapprehenſions of the Writer, and to prevent Groundleſs and Satyrical Reflections upon his Performance.

And the endeavouring of the one and the other of theſe, is the more indiſpenſably needful in the preſent caſe; in that (if credit may be given to vulgar Reports) there are ſome advanc'd to Emi-

pent Posts, and cloath'd with lofty Characters, who from Politicks *peculiar to themselves, have declar'd their Opinions, and oracularly given forth their Decisions, concerning the* Question *hereafter Debated, as if they were* Partizans *of the* King *of* Spain, *rather than* State-Councellors *and* Civil Ministers *of His* Britannick Majesty. *For besides their having in their private Conversations not only question'd, but aspersed the Legality and Justice of the late Undertaking of the* Scots *at* Darien; *they are by their Friends, as well as by their Enemies, represented to have given both Encouragement unto, and to have bestowed liberal Rewards upon, the unmannerly, little and despicable Writer of the* Defence of the *Scots* Abdicating *Darien. In which scurrilous* Pamphlet, *there are not only those intollerable Invectives against the whole* Kingdom *of* Scotland, *as well as against the* Directors *of their* Indian *and* African Company, *that are more calulated to exasperate that Nation, and to run them into disloyalty, than any ways adapted to allay their Resentments, and to quench their intemperate Heats under that misfortune; but there are likewise such insolent assertions, and those bottom'd upon Brutal Ignorance, in relation to the Legitimacy of the Design to have Setled upon the* Isthmus *of* America, *that no* Spaniard *wou'd have had either the effrontery, or the ill breeding to have utter'd them.*

For, as if it were not enough for the Mercinary Scribler, to assume the impudence of affirming, that the Motives upon which the Proclamations *were emitted in the* English West-India *Colonies,* forbidding the Supplying, Relieving, and Assisting the *Scots* at *Darien,* or in any parts of *America,* where they should Settle, *was because* the

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Government of *England* would not be acceſſary to an Act, which the World might judge to be Felonious, p. 4. *of his Epiſt. Dedicat. he takes the boldneſs to add afterwards in Terms that are moſt ſlanderous, as well as defamatory,* p. 7. *of the ſame* Epiſtle, *that their attempt of* Planting *on the* Iſthmus, was the Setling a Colony in another Man's Dominions, unleſs by vertue of their Presbyterian Tenet of Dominions being founded in Grace, the *Scots*, who are the preſumptive Elect, pretend a Divine Right to the Goods of the Wicked, and ſo take upon them to cloath the Councellors of their Colony, with ſuch another Commiſſion, as God gave the *Hebrews* when they departed out of *Egypt*. *Which Language tho' agreeable to the Education, Manners, Politicks, and Inferior Stations of* Harris *and* D--l *to have been the one the Belcher, and the other the Voucher of*; *yet it cannot miſs being eſteemed extremely odd and incongruous, that a Perſon, who is not only a Scholar, a Gentleman, but a Miniſter of State, ſhould be reputed to have both authorized the reproachful Falſhood, and to have paid liberaly for the inventing and divulging of it.*

But the forwardneſs expreſs'd by one in an Honourable Office (and as is commonly ſaid with Raptures of Joy) in the ſpeedy Communication to the Spaniſh Ambaſſador, *that* the Scots had abandonn'd *Darien, would ſeem not only to inſinuate his being poſſeſs'd with a greater Picque againſt the Kingdom of* Scotland *(omitting at preſent all thoſe further Inſtances that give evidence of it, which occur numerouſly enough both in the foremention'd* Pamphlet, *and in that other, Stil'd,*

The Defence of the *Scots* Settlement at *Darien* Anſwer'd, *which are Publiſh'd under the Safeguard of his Countenance, as well as Vented and Sold with his Connivance*) *than is reconcileable with the Duty of one in his* Poſt *under a Prince, who is no leſs King and Soveraign of that* Nation, *than he is of* England; *but it doth alſo intimate a warmer concern for the Intereſt of the Catholick King, and for the having his deſires, and the wiſhes of his Subjects complied with and gratified, than was either prudential for an* Engliſh Secretary *of State, or correſpondent to the Zeal which a Perſon in his Station ought to have had for the Succeſs and Proſperity of all and of every one of his* Maſters *People in their Undertakings, to have rendred himſelf obnoxious to the being charged with. Not to add how little and mean it was in it ſelf, and what averſion from, and diſaffection it proclaimed againſt the* Scots, *to have affected the Pleaſure and coveted the Glory of being the firſt Author and Conveyer of that* News *to the forementioned* Ambaſſador. *Eſpecially when tranſmitted to himſelf upon no ſurer Intelligence, than that ſuch a Report being arrived at* Jamaica, *the Tydings thereof were diſpatch'd hither by one who might be ſuſpected the more credulous in believing it; becauſe it was that which out of Enmity to the* Caledonian Colony *he earneſtly longed for and deſired.*

Nor is it without a Pointed *(tho' but tacit) Reflection upon a certain Gentleman's Conduct in this Matter, that the* Writer *of the* Paris Gazette *of* Nov. 14. *hath inſerted in the* Paragraph *from* Madrid *of* October 22. *That* il arriva ici le 14 un Courier extraordinaire des peſche de Londres

dres par le Marquis de Canales Ambaſſadeur d'Eſpagne en Angleterre avec s'avis de l'abandonement de le Colonie de Darien, qui avoit eſte receu par un des Secretaires d'Eſtat & Communique a cet Ambaſſadeur, There had on the 14th an extraordinary Courier come thither from the Marquis of *Canales* the Spaniſh Ambaſſador in *England*, with News of the abandoning the Colony at *Darien*, which one of the Secretaries of State having received, had Communicated to the ſaid Ambaſſador.

But there having been a Meſſage delivered ſince by the ſame Engliſh Miniſter *to the ſaid* Foreign Ambaſſador, *which how raviſhing ſoever it might be unto the* former *to Convey, could not be very joyous and delightful to the* latter *to Receive; I ſhall only obſerve in relation to the diverſity of the Matter, and the different reliſh between the ſaid* Meſſage *and the foregoing* Intelligence, *that there is ſometimes a vaſt diſſimilitude, betwixt what one may find himſelf obliged to perform in obedience to the Order and Injunction of a* Maſter, *who is no leſs wiſe in what he Commands, than Authoratative and Uncontrolable in the having it Executed; and what the ſame Perſon may run himſelf into the indiſcretion of* Doing *when not directed by a greater Prudence than his own, nor over-ruled by a Superior Authority.*

Which I do take the liberty the rather to ſuggeſt, in that it is too often the misfortune of Princes, *to have even thoſe Actions of their* Miniſters, *of which they were not previouſly in the leaſt conſcious, and much leſs had enjoyned, to be interpreted as if done either in obedience to their poſitive Command and ſpecial Direction, or in order to humour their Inclina-*

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tions and to comply with their Sentiments. There being but few Men in the World who render the Juſtice and pay that Deference to Kings, as to diſtinguiſh with that impartiality and exactneſs which they ought, between what Perſons raiſed to Emenent Poſts in the Adminiſtration, are to have imputed unto them as Acting in abſtraction from their Offices, and as they come to be conſidered only Perſonally; *and what they are to be held accountable for as behaving themſelves correſpondently to the Characters which they bear, and to the Truſts which are repos'd in them; and as they govern and regulate themſelves in the ſeveral and reſpective parts of their Adminiſtrations, both in conformity to the Laws, and to the Meaſures of* Bienſance *and Decency, which their Maſters out of reſpect to their own Honour and Glory, as well as from Principles of Wiſdom and Juſtice, are to be always ſuppos'd to require, as well as to wiſh, that they may neither treſpaſs againſt, nor in the leaſt deviate from. For as Monarchs and Soveraign Princes, notwithſtanding the Innocence of their own Purpoſes, and the Righteouſneſs of their Deſigns towards their Subjects and People, do ſeldom eſcape obloquy and blame, when they upon whom the execution and the exerciſe of their Authority is devolved, are found to offend againſt the Laws, which ſtand enacted and eſtabliſhed to be the Standards and Boundaries of Governing and Ruling Power; ſo it is hardly to be avoided, let Kings and Potentates be never ſo juſtly Celebrated, by reaſon of their own Wiſdom, and the Mannerlineſs of their whole Royal Conduct, but that there will be found peviſh and ill-natur'd People enough, ready to ſully the Fame, and to detract from the Glory of their Prudence, in caſe they who are employ'd in the chiefeſt Offices of the State,*

State, are obſerved to over-look and forget the Rules of decency, and to treſpaſs againſt the Forms of Civility and the Maxims of Diſcretion.

And that what I have repreſented, may appear to have been ſaid from a dutiful regard to His Majeſty's Honour and Safety, let me be allow'd to ſet both the Caſes in a clearer Light, by the Propoſal of two Suppoſitions, whereof there are Proofs within view, to ſhew that they are not viſionary and chimerical. For example, let His Majeſty be never ſo Merciful, as well as Juſt, nevertheleſs it will be impoſſible, during a ſeaſon wherein there is no ſuſpenſion upon any Acts of Parliament, that his Government ſhould eſcape the cenſure of being not only Rigorous and Severe, but Arbitrary and Deſpotical, if a Perſon truſted with Authority and Power of cauſing Seize and Apprehend ſuch as are Informed and Sworn againſt to be Plotters and Conſpirators againſt the Safety of His Majeſty's Perſon, the Tranquility of his Government, or the Peace of his Dominions, ſhould under that Cover and Pretence, ſo far contemn and trample upon the many and ſeveral Laws of England, *which have been made for the preſervation of the Liberty of Engliſh Subjects, as to cauſe Take up, and by his Warrants to confine under aſperſion of High Treaſon whom he pleaſeth, without the vouchſafing to mention in thoſe Warrants his having received Depoſitions upon Oath ſpecifying and importing the Crimes for which he Commits them. Which as it doth often prove to be the Ruining them in their Eſtates and Fortunes, as well as the ſcandalizing and blacking them in their Names, Credits and Reputations, thro' the charging them with the guilt of diſgraceful and capital Offences; ſo it is no leſs than the*

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reducing and bringing the People of England *into a ſtate and condition of abſolute and down right Slavery, by the making the Liberty of every* Engliſh *Subject, as well as of ſome, to depend precariouſly, and at the ſame time entirely, upon the humour of him who aſſumeth unto himſelf the Exerciſe of ſuch a Juriſdiction. Which makes me aſtoniſhed, that they who covet to Act after this illimited and unconfined rate, are not more Friendly and Kind to* Scotland, *than they have hitherto choſen to ſhew themſelves in that no more is required there, for the Empowering thoſe in the Adminiſtration to throw Men into Priſon, without their admiſſion to Baile, or the being brought to Tryal, but that they do ſuſpect them to be Seditious Diſloyal or Traiterous.*

Likewiſe, let the King behave himſelf towards the Subjects of all, or of any of his Kingdoms, with never ſo much Condeſcenſion, Goodneſs, and Compaſſion, ſincerely and joyfully congratulating their Proſperity, and Condoleing and Simpathizing with them under their Calamities ; (as the King with great Tenderneſs hath lately done towards the Scots *Company, thro' telling them in his Anſwer to their Addreſs, that he is ſorry for the Damnage which they and their Country have ſuſtained in and by the Loſs of their* Colony) *yet none of all theſe things will be found ſufficient to preſerve him in the hearty Affections awful Eſteem, and firm Confidence of thoſe Subjects of ſuch of his Dominions, who find their Nation made the object of the ſcorn, ridicule and contempt ; its welfare the motive of the Envy and hatred ; and their misfortune the matter and ground of the pleaſure and delight of thoſe, whom*

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he hath honored with the firſt places in the Exerciſe of his Authority, and in the Adminiſtration of the affairs of State in whatſoever Dominion it be under his Subjection.

However it may not be amiſs to obſerve, that how diſcontented and clamorous ſoever the Spaniards *have been, becauſe of the* Scots *endeavouring to have ſetled at* Darien ; *and how unkind, as well as unaſſiſtent unto them, (whether upon imaginary motives of Juſtice, or real inducements of State, I ſhall not determine) ſuch have ſhewed themſelves, whoſe Favour and Protection they expected in the ſupporting them in that undertaking, and how great and Damageable thereupon their Diſappointments and Loſſes have proved, which while they cauſe ſorrow to them, do adminiſter occaſion of Joy to others, whoſe characters it doth very ill accord with and become ; yet that it is ſome conſolation both to their* Company, *and their whole Kingdom that the* Repreſentation a Meſſrs les primieres Miniſtres d' Angleterre, The memorial or manifeſt given into the Lords Juſtices by the *Spaniſh* Ambaſſador in *September* laſt, *was not in the leaſt occaſion'd by, nor bottom'd upon any thing relative to their* Colony *upon the* American Iſthmus. *So that whatſoever the Conſequences of that* Memorial, *and of his* Britannick Majeſty *juſt* Reſentment *of it may be, yet none of them, can either now, or hereafter, be ſaid to have ſprung and flowed from any Fact or Enterprize of the* Scots.

And tho' I do not pretend to any knowledge of thoſe Conſultations, Treaties and Stipulations, (ſave as they are there expreſſed to have been. Sur la ſucceſſion de la couronne d' Eſpagne, & ſa Di-

Diviſion and Repartition, about the Succeſſion to the Crown of *Spain*, and the Diviſion and Repartition of that Monarcy) *wherein His Majeſty having been concerned, gave occaſion and adminiſtred ground for that* Memorial, *which was ſo diſpleaſing unto Him, that he thereupon Commanded the* Spaniſh Ambaſſador, *who deliver'd it, to depart within* Eighteen *days out of his Kingdom, and in that time not to go out of his Gate; yet I hope it will neither be accounted Preſumption, nor an Intruſion upon Secrets and Myſteries of State to ſay, that nothing could have contributed ſo much to the obviating all ſuch miſunderſtandings between the two Crowns, as ſhould ſwell into and terminate in a Rupture, as the having protected the* Scots *in their ſettlement at* Darien *would have done. For as the having a* Colony *Eſtabliſh'd in the very Heart and Boſome of the* Spaniſh American *Dominions, and accomodated with a Defenceable Harbour, that is capable of receiving the whole Naval ſtrength of* England, *would (unleſs the Cabinet Reſolutions at* Madrid, *be the Reſults of Paſſion and Haughtineſs, rather than of ſedate thoughts, Political Wiſdom, and of Debates where arguments derived from ſafety and intereſt caſt the ſcale) effectually check the* Spaniards *againſt falling into raſh and haſty Councils, and an infallible motive for reſtraining the* Catholick King *from emarquing in a War w.th His* Britannick Majeſty, *becauſe of the unavoidable miſchiefs, that upon our being ſo Circumſtanced and Stated thro' the poſſeſſion of that place, would attend it in relationto the many great and opulent Territories of the* Spaniſh *Monarchy in the* Weſt-Indies, *which are both*

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the ſources of all that Wealth and Treaſure which inable them to defend their Kingdoms and Provinces in Europe, *and do afford them the means and advantages of ſupporting themſelves in that veneration and eſteem, which are paid them, and rendred unto that Crown in this part of the World; ſo it is not to be doubted, ſhould a War Commence upon any inducements and reaſons whatſoever, whether fancied or real, ſlight or weighty, between the* King *of* Spain *and the* Monarch *of Great* Britain, *but that thro' our being ſo* Poſted *in the midſt of their* American *Plantations, they would ſoon be made ſenſible of their betaking themſelves thereby to a courſe and method that will unavoidable iſſue in their Ruine.*

For tho' no Man that pretendeth to good Senſe can have the weakneſs to imagine; nor any who are under the Ties of Allegiance and Fealty, can have the Diſloyalty to ſuſpect; that the coldneſs and indifference of the Court of England, *in reference to the* Scots *being encouraged and ſupported at* Darien, *(to ſay nothing of the meaſures that have been taken and purſued, not only to the Diſheartening and Obſtructing them in their Deſign, but to the defeating it, thro' rendring as far as could be effected, without open and direct hoſtility, their continuance in that place impracticable) was either in ſubſerviency to the better concealing and covering thoſe Tranſactions, which were then carrying on, and are ſince diſcovered and divulged, concerning the adjuſting and determining the* Succeſſion to the Crown of Spain, *or in order, at the expence of the Kingdom of* Scotland *and the Diſhonour as well as the Loſs ſuſtained by their* African *and* India *Company, to have the more*

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eaſily reconciled, what was at that time under Conſultation and Treaty towards the being Concerted and Stipulated, to the Catholick King and his Miniſters; yet it may both with Modeſty and Safety be affirmed, that among other means which would have both Advanced His Majeſty *above the threats and menaces of the* Spaniards, *who endeavour to allarm him, that unleſs all that he hath projected in the foremention'd Affair, be* promptement arreſte, viendra un Guerre Funeſte & univerſelle dans toute te Europe, ſpeedily renounced, there will ariſe a deſtructive and general War thro' all Europe, *but inabled him to juſtify and to make good by his Power and Force, what he hath by his great Prudence and Wiſdom been Adjuſting and Contracting with others in reference to the foreſaid matter. It would have alſo been in ſome degree uſeful and ſubſervient thereunto, if inſtead of lending his Name and Authority to thoſe who emitted the* Proclamations *in the* Engliſh Weſt-India Plantations, *prohibiting* the holding any Correſpondence with, or the giving any Aſſiſtance unto, any Perſon or Perſons, that had been Fitted out in *Scotland* with Ships of Force to ſettle in ſome part of *America, he had vouchſaved unto his Subjects of* Scotland, *thoſe Teſtimonies of his Royal Care and Zeal for their Succeſs in the expedition they went upon, and for their proſpering in the deſign in which they were Embarqu'd, as might have made them out of Gratitude, Ambitious of Sacrificing their Lives in his Service.*

See that ſet forth by the *Earl* of *Bellamont. June* 3. 1699.

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For as it is a great Satisfaction to a Prince, and that which gives him a Reputation, and at ſuch a juncture and in thoſe circumſtances, renders him formidable to thoſe who ſeem inclined, and do only covet a favourable opportunity of declaring themſelves his Enemies, to be univerſally known to have a firm Tenure in the Affections and Confidences of all his People, and to be underſtood to have their Wealth and Power ready to be ſurrendred with readineſs and chearfulneſs unto his Diſpoſal, and their Lives chiefly valued by them on the foot of having them to venture at his Command, and for the exalting, as well as for the maintaining his Honour and Glory; ſo it cannot but both extreamly diſquiet him, and alſo leſſen his Credit and Veneration with thoſe Potentates, that Envy the greatneſs of his Undertakings, and who dread the Wiſdom that diſplayeth it ſelf in his Projections, to find the largeſt Part and Proportion of the whole Body of his Subjects in one of his Dominions, highly diſcontented with, and clamorouſly complaining, and as they think not without juſt reaſon, of the Conduct and Behaviour of thoſe towards them, who being in the higheſt Places of the Exerciſe and Adminiſtration of the Government, do vouch his Orders and his Authority for thoſe Actions that are ſo ill Reſented.

And that theſe Proceedings of the King's English *Miniſters of State, and of his Subordinate Governors, towards and againſt the* Scots *in their* West-India *Undertaking, might have been forborn and avoided, without His Majeſty's becoming obnoxious to Detraction and Cenſure, of having connived at and countenanced any* Fact *in them, than can juſtly be called* invaſive *upon the* Dominions

of Spain, *and an* Infraction *of* Alliances *with that Crown, or that can reasonably be held* prejudicial *to the* Intereſt *of* England, *either in their Manufactures and Commerce at home, or with reſpect to the Flouriſhing and Traffick of their Plantations abroad, being the Subject of the enſuing* Diſcourſe, *I do without craving the lenity and favour, or deprecating the prejudice and ſeverity of any, ſubmit it to the Judgment and Verdict of all ſuch, who underſtand the Laws of Nature and Nations, have examin'd the Alliances that have been contracted between the Crowns of* Great Britain *and* Spain, *and who are able to judge of what is advantagious to the Britiſh Kingdoms, whether collectively or diſjunctively conſider'd.*

And I am ſure, that whatſoever hath been alledged by the Spaniards *in the* Memorial *preſented by the* Spaniſh Ambaſſador *to His* Majeſty *in* May *laſt, for the blackning and aſperſing the Deſign and Attempt of the* Scots, *with reſpect to their Setling a* Colony *upon the* Iſthmus *of* Darien, *(all which will in the following* Sheets *be brought under Diſquiſition, and demonſtrated to be Groundleſs, Frivolous, and Impertinent) yet that it hath no Analogy, nor beareth any Proportion with the indecency, ſeverity and defamatorineſs of the Language, which occurreth in the* Memorial *exhibited by the ſame* Miniſter *to the* Lords Juſtices *in the Month of* September. *Wherein he upbraids and reproaches a Great and Wiſe, as well as an Immediate Perſonal Tranſaction of His Majeſty, as if therein he had not only been* Emporter a l'ambition d'uſurper & bouleverſer les Pais d'autruii, Hurried into the ambition of uſurping a Power over, and of endeavouring to ſubvert the

the Dominions of another Prince; *and that if such an Act ſtand allowed*, Il ny auroit ni Statutes ni Loys Municipales, a obſerver chez les unes ni chez les autres qui ni fuiſſe Libres de attentates d'autruii, There will neither remain Statute nor Municipal Laws obſervable between Princes, which will not be liable to be invaded, and freely broken in upon; *but he farther calls it ſuch an Action towards the Catholick King, that by reaſon of the influence, which it may have upon his Subjects*, Pour tenter la Foy, & exciter leur Eſprits a des ſoulevements, In tempting them from their Allegiance, and by exciting them to Mutinies and Inſurrections, is not conſiſtent, a la bon Foy qui ſe doit obſerver entre les Chretiens, & a la plus fort raiſon entre des Allies & Amis, With that ſincerity which ſhould be obſerved among Chriſtians, and much more among thoſe that are Allies and Friends; *being withal ſuch a Practiſe, that if ſuffered*, Il ny aucoune Nation, ni Domination en Europe en ſurete contre les machinations & tromperies de la plus Fort, ou de la plus malicieux, There will be no Nation or Kingdom in Europe in ſafety againſt the Contrivances and Deceits of ſuch, as are either Powerful or Malicious.

All which I have therefore called over and mention'd (and would not otherwiſe have done it) that they who have appear'd unfriendly unto, and offended at the Scots *Undertaking, thro' the ſuffering themſelves to receive ſiniſtruous impreſſions of it, upon its being repreſented in the forementionꝰd* Memorial *of* May 3. As an Invaſion upon the Dominions of His Catholick Majeſty, and an Infraction of the Al-

liances between the two Crowns, *may from their being made acquainted with the foulneſs and undecency of the Terms that are beſtowed upon the Stipulation which the King of* Great Britain *hath been concerting, to the happineſs of the very* Spansards *themſelves, as well as for the future tranquility of all the* Soveraignties *and* Principalities *of* Europe, *be from thence henceforward convinced, that the Credit and Authority of a* Spaniſh Memorial *is too lubricous and ſandy a Foundation to build an Opinion upon, of the Illegality and Injuſtice of a Tranſaction, Enterprize and Fact. And as I hope the having unanſwerably prov'd, that the* Spaniards *were wonderfully miſtaken in the Appellations which they gave to the* Scots *Landing and their beginning to erect a Plantation upon the* Iſthmus *of* America; *ſo I doubt not, but that the Projection, for which His Majeſty is ſo undecently treated, and diſhonourably aſperſed, will be both vindicated from all the Obloquies caſt upon and affixed unto him; and alſo juſtified to have been the Reſult and Effect of a Wiſdom, that future Ages, as well as the preſent, will admire and magnify him for. Only care in that caſe muſt be taken, that they who ſhall be honoured with the Truſt of being employ'd in ſuch a Noble Work, may not be of thoſe Perſons chuſing, who ſelected and pitched upon the* Writers *of the* Pamphlets, *call'd,* The Defence of the *Scots* Abdicating *Darien*; and the Defence of their Settlement at it Anſwer'd, *theſe being with reſpect to Senſe, Truth, Reaſon, and good Manners, the moſt ſilly, ridiculous, and ignominious Creatures, that ever the Name of Authors was conferr'd upon.*

And

And that their Performances in their ſeveral and reſpective ways, which are ſuch as proclaim the Intellectuals *of both of them mean, and the* Morals *of one of them very bad, are not arraigned and expoſed in the enſuing* Diſcourſe, *is, becauſe of its having been fully written and finiſhed, before the Scurrilities of the* one, *and the Impertinencies of the* other, *towards the blackning of the* Conduct *of the* Scots, *or the diſproving the* Legitimacy *of their* Undertaking, *were obtruded upon the World; as likewiſe previouſly to the* Publication *of the Book that is Stil'd,* A Defence of the *Scots* Settlement at *Darien*, with an Anſwer to the Spaniſh Memorial againſt it. *And as I have not upon the peruſal of the* laſt *either added unto, or ſubſtracted from what I had antecedently written, which may ſerve to vindicate me from being accounted a* Plagiary, *in caſe that in our Reaſonings upon a* Subject *that is the* ſame *there do here and there appear, not only an* affinity *of Stile and Language, but a* Concidence *of Thoughts, whether in the mentioning of Facts, or in the citing of Authorities; ſo I do not think it neceſſary to Reply any thing to what by ſome may be held Argumentative in either of the other two foremention'd* Pamphlets, *as reckoning that whatſoever occurreth in them of that Nature and Tendency, to be ſufficiently obviated, and in way of Anſwer fully anticipated, in what is Repreſented and Argued in the following* Sheets; *and much leſs can I prevail upon my ſelf, to waſt my own time, and give entertainment to the judicious part of Mankind (whom I do only covet to be the Readers of what I write) in the detecting the Calumnies and Falſhoods, and in rebuking the Petulancy of a Mercenary Scribler, that*

hath been brib'd with Money to defame a Nation, and to throw that Dirt upon Perſons of Integrity and Honour, which a little ſcandalous Fellow, who had been expell'd ſome time ago out of His Majeſty's Navy *for his Crimes and Miſdemeanours (and who thereupon ſpoke as ſcandalouſly and revilingly then of the* Engliſh, *as he hath lately done of the* Scots*) had rak'd and gather'd together. The only thing which I ſhall therefore ſay, for overthrowing the Faith, Reputation and Credit, of that detractive Miſcreant in his many other Fictitious and Romantick Stories, ſhall be to refer thoſe, who are not willing to be miſled in their Belief of Men and Things by Lies and Fables impos'd with impudence and audacity upon them, to Mr.* Wafer, *who can and will aſſure them, that the Aſperſions thrown upon the* Scots, *in relation to their Treating of him, are as falſe, as they are defamatory. So that thro' the Fellow's appearing a* Liar *in one Caſe, he is to be accounted incapable of having his Teſtimony receiv'd in all other whatſoever. Nor can any, without the renouncing of common Senſe, believe that the Gentlemen employ'd by the* Company *to Confer and Tranſact with Mr.* Wafer, *cou'd be guilty of ſuch Weakneſs and Folly, as to reveal and detect unto him their Deſign upon* Darien, *in that the whole Succeſs of that Undertaking, depended entirely upon its being kept and preſerved a Secret.*

However it may not be amiſs to take notice of a certain Paſſage in that Fabulous Book, which is to be met with Page 16. *namely,* That juſt as the *Scots* Companies Books were open'd at *Amſterdam*, for the Receiving Subſcriptions to their Stock and Capital, the *Dutch Eaſt* and *Weſt-India* Com-

Companies run open mouth'd to the Lords of that City, ſhewing what was hatching by the *Scots* Commiſſioners in their Town, to Ruine the Trade of the United Provinces. *Which I have therefore the rather cited, becauſe it is* one *of the few that have any Truth in them, and not to adminiſter occaſion unto any Men (tho' I fear many will be ready to take it from thence without my leave or allowance) for ſuſpecting, and much leſs for concluding, that our* Councils *in* England, *are too much under the influence of the* Hollanders, *and accommodated to ſuch Meaſures, as are ſubſervient to a* Dutch *Intereſt. For tho' the unthinking Creature who communicated the Story to the Writer, and the unwary Stateſman and indifferent Politician, under whoſe Countenance as well as Connivance it ſtands publiſh'd, might no ways deſign the begetting and fomenting ſuch an Opinion, yet it is ſo adapted to juſtify an apprehenſion of that Nature, that not only ſuch who are diſaffected to the Government, but many that place their happineſs, and do find their Profit in being under it, will be ready to fall into the Notion, and to imbibe the Sentiment. Eſpecially ſeeing as well the Proceedings* here *in diſcouraging the* Scots *in their* American *Deſign, as what hath been done and practiſed in the* Engliſh Weſt-India Plantations *by poſitive Orders and Injunctions from hence, which have proved very Prejudicial, if not Ruinous unto them in their Colony, thro' appearing very little ſubſervient to an Engliſh Intereſt, either here, or in* America, *will thereupon be conſtrued by thoſe bold and critical Men, who do both uſurp a Liberty of penetrating into, and a Right of judging and cenſuring Reſolutions and Actions of State (which ought*

to be look'd upon with Reverence, and acquieſc'd in with Silence) to have flow'd either from a Wiſdom in reference to our Concerns, Welfare and Proſperity, that is indiſcoverable and paſt finding out; or to have ſprung from Reaſons relative to the Satisfaction and Advantage of that Outlandiſh and Foreign Republick, which hath been named.

And as to the other Pamphlet, *call'd,* The Defence of the *Scots* Abdicating of *Darien,* Anſwer'd Paragraph by Paragraph, *whereof the Author hath written with more Modeſty, than he did on whom I have been Reflecting, tho' at the ſame time ſo weakly and triflingly, that I cannot bring my ſelf to think, that it needs (for I am ſure it doth not deſerve) ſo much as one Stricture or Animadverſion beſtowed upon it, beyond what in the following Diſcourſe will be found applicable thereunto. And indeed that Gentleman's Deſign ſeems (as if playing Booty) he had intended the getting a Book to paſs unarreſted and current under the Vizor and Mask of being* Anſwer'd, *which thro' its want of that Skreen, Cover and Paſport, there were endeavours uſed to have ſtifled and ſuppreſſed. Which appears the more evidently to have been the ſcope of the* Anſwerer, *in that he doth not only give us the other Book entirely, ſo far as he taketh upon him to Reply unto, it which he doth in his manner with reference to the whole that is Argumentative and Diſcourſive in it; but he annexeth, without the omiſſion of a word, whatſoever occureth in the Book, againſt which he would be thought to ſet up as an Antagoniſt, a Sheet and a half giving the* Deſcription *of* Darien, *without the being at the expence of a Syllable to contradict or diſapprove it. Yea, the main Argument upon which he*

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endeavoureth to juſtify the Oppoſition unto, as well as the Diſcountenance given by the Government of England to the Scots, in their American Undertaking, being taken from a Viſionary and Romantick Topick, and ſuperſtructed upon a known and downright Falſhood, it doth thereby become manifeſt to all who are endowed with any meaſure of diſcerning, that his main purport in Writing, was to give a Licence for the ſafe and publick Sale of a Book, which crept about, and was here and there vended abroad, only ſurreptiouſly and by ſtealth before. For whereas he ſeeks to have it believed, that all the late Engliſh Proceedings in diſfavour and prejudice of the Scots, were in purſuance of and Addreſs preſented by the Parliament to His Majeſty, Anno 1695. This is all mere Dream and Imagination, and no better than a Bantering of Mankind. It being moſt certain, that the Parliament never entertain'd a thought, of having Obſtruction given to the Kingdom of Scotland, as to their Setling a Colony either in the Eaſt or Weſt-Indies, provided it were not where they were the previous Occupiers, and on condition that it prov'd not in ways, and by means inconſiſtent with the Amity that is between the two Kingdoms, as they ſtand link'd together under one Soveraign. Neither could they ſo far forget the boundaries unto which they do at all times circumſcribe and confine themſelves in their Parliamentary Actings, as to attempt it in reference to a Nation, over which they claim no Juriſdiction, but which they do own to be Abſolute within it ſelf, and altogether Independent upon them. But the whole which the Parliament applyed

plyed unto the King about at that time, was that he would interpose and exert his Authority for the hindring of his Engliſh Subjects from becoming Subſcribers to the Stock and Capital, which the Scots were about to make, frame and eſtabliſh, for the Erection of a Weſt or Eaſt-India Plantation, and for the beginning and promoting of a Foreign Trade. Which as they had a Right and an Inherent and Legal Power to do, ſo they ſhew'd themſelves extreamly Wiſe and Prudential, in oppoſing and defeating that part of the Scots Projection. Seeing ſhou'd ſuch a Liberty have been either allowed or connived at in the Subjects of England, much of that Treaſure which is employ'd in their own Traffick and Commerce, and eſpecially to the Indies, might have been put into the Scots Bank, upon the Proſpect and Motive of the Profit that would thereby accrue unto them, thro' the many Privileges and great Immunities, which were granted unto the Scots Company for and during the Term of 22 Years.

Nor doth he ſhew himſelf very prudent, in Reflecting ſo ſeverely, as he doth, upon the Behaviour of the Scots towards King Charles I. in that the Engliſh themſelves were not only as Diſloyal as they, but both tempted them unto, and rewarded them for it. Seeing beſides their Troops being paid with Engliſh Money, not a few of their Leading Men better'd their Fortunes, at the expence of this Kingdom, by their being the Fomenters of the firſt War, as well as for being the Inſtruments of Scotland's joyning to ſupport the Parliament againſt the King afterwards. And whenſoever it is ſeaſonable, it can be demonſtrated from Authentic Memoirs, and ſuch as deſerve

ſerve to be Credited, that the Scots had neither Marched into England, Anno 1638, nor in 1643, had they not been univerſally Courted, and divers Perſons of the firſt Rank bribed thereunto. It being undeniable that the Ship-Money and the long Intermiſſion of Parliaments in England, influenced ſuch as in that Kingdom were ſtil'd Patriots (which whether they were or not I do not enquire) to tempt and draw in the Scots to that bloody and infamous War, whereas without Encouragements, that I am not willing to Name from them, the Scots would have upon no Reſentments of their own have run into it, how Bigotted ſoever ſome of their Clergy might at that time have been. And as the Rebellious part fell equally to the ſhare of both the Nations, ſo the Treacherous ſhare both towards God and Man doth diſtinguingly affect England, in that inſtead of making that King a Glorious Prince, as they both Swore and Stipulated, provided thoſe things were redreſſed which had been complained of as amiſs in the Adminiſtration, they not only rejected the Conceſſions which he made, that were more than a wiſe People would have demanded, but they Murder'd him. Neither was the Number of thoſe in England, who perſever'd in their Allegiance to that King, and ſuffer'd with him and for him, greater and more numerous, in proportion to the People of the one Kingdom and the other; then they were, who aſſerted his Intereſt in Scotland to their Ruine. Nor can I imagine for what End, that Author recalls thoſe things (which ought to be for ever forgotten) in ſuch approbrious and aſperſive Terms, unleſs it be to faſten an Ignominy and a Reproach upon what hath been ſince

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tranſacted againſt another Prince, tho' not carry'd to the height of the Original.

Yea, were not that Author prodigiouſly ſilly, and altogether unfit for the Province which he undertook, he would not upbraid him whom he pretends to Anſwer, for having ſhew'd both Vanity and want of Judgment, becauſe of his having only ſaid, That *Scotland* turned the Ballance in the late Revolution. *Whereas it is as Demonſtrable as any* Problem *in* Euclid, *that if the* Kingdom *of* Scotland *had Unanimouſly* Declar'd *againſt the* Abdication *(conſidering the many thouſands in* England, *who in the juſtifying thereof would have been ready to have ſeconded them) but that both the* War *in* Ireland *and that upon the* Continent, *would have been carry'd on with more difficulty than they were, and probably have terminated more unfortunately, and with leſs honour, than they did. Nor is it to be thought impoſſible, but that upon ſuch a* Declaration, *the* Scots *might have obtained, thoſe Terms with reference to their Laws, Liberties, Privileges and Religion from King* James, *and thoſe ſo ſecured from Repeal and Alteration, as that they might have been as happy as either at preſent they are, or have reaſon to hope to be hereafter. For however impoſſible it was, as our Author rightly accounts it, for the* Scots to have remain'd Neutral at the time of the Revolution, conſidering the Party within their Bowels, that was headed by Dundee; *yet all Men who have not loſt their Underſtandings, muſt needs acknowledge, that they might at that juncture have taken other Meaſures than they did.*

Nor can this Writer *be any ways thought a* Politician, *who ſeeks to repreſent it as a thing too ridiculous to be imagin'd,* That *England* could be render'd obnoxious to Dangers, thro' the *Scots* running into a Conjunction with *France. For tho' I do eſteem him a very ill Man that wiſheth it; yet I cannot avoid reckoning him ſtrangely unacquainted with the State and Ballance of* Europe, *that doth not foreſee, how miſchievous the Union of theſe two Nations together might prove to this Kingdom, notwithſtanding both its own great Opulency and Power, and its having the* Dutch *for its* Allies. *Of whoſe wonderful Friendſhip our* Eaſt-India Company *hath had a late Experiment, thro' the* Holanders *both ſupplanting them in effect in their whole* Eaſt-India Trade, *and in the getting them to be diſgracefully* Inſulted *by the* Miniſters *and* Officers *of the* Mogul. *For whereas that* Monarch *being provoked by the Hoſtilities of European Pirates, would admit no Europeans to Traffick in his Dominions, without their becoming obliged to cover all his Ships and thoſe of Subjects from thoſe Robbers: The* Dutch *in the vertue of Bribes ſeaſonably beſtowed, have procur'd the protection of the vaſt Ocean Southward of* Surat *to be devolv'd upon the* Engliſh, *(the performance whereof is altogether impracticable, eſpecially if the Suborners thereunto, ſhould not only Countenance the* Piracy *of others, but think it convenient in order and ſubſerviency to their Intereſt to practice it on theſe Seas themſelves) while the whole which the* Dutch *have thought fit to charge themſelves with, is to protect the Commerce to* Mocca, *in the Undertaking whereof, they have alſo a Proſpect of acquiring other advantages over*

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the Engliſh. *But to return to the Author of whoſe Performances I have been ſuggeſting my Thoughts. Would either my* Temper, *or my* Principles, *allow me to judge of another's Deſires by Conſequences deducible from haſty and unwary Expreſſions, I ſhould be apt to ſuſpect, that the Gentleman would be glad to ſee the Experiment of the one and the other that have been mentioned. Whereas I do heartily pray, that neither the* Scots *may be ſo Traiterous as to be guilty of the* firſt; *nor the* Engliſh *brought into the Circumſtances of being expos'd to the trial of the* ſecond.

All that I ſhall further ſubjoyn for preparing the Reader *to the peruſal of the following* Diſcourſe, *is briefly to let him know, that I do reckon what will be there met with, to be no leſs either Needful or Seaſonable, in caſe the* Scots *have* forſaken Darien, *than if they had continued ſtill in the poſſeſſion thereof; or after their having once* Abandon'd *it, had again* Re-poſſeſs'd *it. In that my buſineſs is to Juſtify and Vindicate the Legality of their Deſign and Attempt to Settle there, abſtracting from the conſideration whether their Undertaking might be attended with Succeſs or Diſappointment. And if what I have repreſented and offer'd on that* Head, *be Pertinent and Effectual for the Proving and Eſtabliſhing of what it is alledg'd and adduc'd for, it will not only render their Condition the more Compaſſionable, on the ſuppoſal of their having been unfortunate; but it will both make their preſent Clamours and Reſentments for their Loſs, Calamity and Diſgrace, the leſs Surpri ing and the more Pardonable, provided they carry them no farther, than what is conſiſtent with their Fealty and Allegiance; and will ſhew the*

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unkindneſs and neglect of thoſe to have been the greater, whether in the giving them Oppoſition, or in the refuſing them Aſſiſtance, whoſe Favour and Aid they might, on many accounts, have reaſonably relied upon with reſpect to the being Countenanced and Supported. Not to add, that ſome will find themſelves extreamly miſtaken in their Politicks, and perceive their having been miſled into wrong Meaſures; if the Intelligence ſhould prove true, which divers have receiv'd, of the Spaniards having accepted the Naval Aſſiſtance of the French, for Driving the Scots out of Darien, in caſe they be ſtill there, and on the ſuppoſal of their having left it, for the Covering all thoſe Parts of America, over which the Catholick King pretends a Soveraignty, tho' Unoccupied by any of his Subjects, from attempts of that Nature upon them for the future by any of the Britiſh Nations, or the Dominions thereunto belonging. Seeing that as Spains complying to receive the Aid of the Marine Power of France, muſt argue ſuch an entireneſs of Friendſhip, and firmneſs of Confidence between them, as can neither be comfortable nor ſafe to ſeveral Principalities and States in Europe; ſo beſides the Inconveniencies and Damages which may thereupon befall other of His Majeſty's Kingdoms, as well as Scotland; it is not impoſſible, but that congruouſly as well as conſequentially to this, the Crown of Spain may be willing to admit of the Conjunction, Aid, and Aſſiſtance, of the French in the Loan of their Land Forces, for the compaſſing Ends on the Continent of Europe, which neither We nor the Dutch will find our Intereſt and Beneſit in. However, if what I have ſaid and argued in the enſuing Sheets, be pertinently adapted

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unto the Queſtion *that is* Debated, *and demonſtrative of the Legality and Juſtice of the* Fact, *which I have eſpouſed the defending of*; *the* Scots *will thereby be not only Vindicated from the Clamours that have been rais'd againſt them for what they have done*; *but they will be alſo cover'd from aſperſions for the future of acting invaſively upon the Rights, and from being injurious to any, ſhou'd they on the ſuppoſition of having abandon'd that Place, and the renouncing of all thoughts of re-eſtabliſhing themſelves again in it, apply their utmoſt Efforts and Endeavours to the obtaining a* Settlement *in ſome other* American *Territory, where nothing elſe can be objected againſt their Liberty and Right of Planting, than what having been alledged againſt their Sitting down on the* Iſthmus *of* Darien, *will be found to be impartially examin'd, and abundantly refuted, and that with an exact obſervance of all the Rules of Modeſty, Decency, and good Manners, wherein the* Author *of the* Defence of the *Scots* Settlement at *Darien* is ſaid to have been deficient. *Adieu.*

The Errata *being but few, and ſuch as any* Reader *may both diſcern and correct*; *the* Author *hath not thought it needful to make a* Collection *of them.*

The

The Application *of the* Scots *to* FOREIGN TRADE, Commended *and* Incouraged:

And their late Attempt *to have* Setled *at* Darien, *fully* Vindicated *from all that hath been* Excepted *againſt it.*

THE *Humane Race* being the alone and the only *Rank* and *Species* of the whole *Sublunary Creation*, that is furniſhed and endowed with *Intellectual Faculties* and Corporeal Organs, by which they ſtand adapted and qualified for a *Mutual Communication* of their ſeveral and reſpective *Conceptions* and *Thoughts*; and thereupon thro' their very *Frame* and *Conſtitution* rendred *Sociable* with, and under all Deficiencies, Exigencies and Infirmities aſſiſtant and relieful unto one an other. The great and wiſe *Creator*, who hath *produc'd* them, *enrich'd* and *adorned* them with thoſe *advantages*, and who *governeth* them in proportion to their *Natural* aptitudes and capacities, hath conſequentially thereunto, not only made ſeveral *Acts*, *Offices* and *Performances*, to be, by his *engraven*, and by his *revealed* Laws, the indiſpenſible *Duties* of men towards each other; and that both as they ſtand conſidered individually and apart, and as they become aſſembled, and united into, and do

conſtitute Societies: but he hath alſo in his admirable Wiſdom, ſo Formed this *Terraqueous Globe*, and the whole *Elementary World*, that by means of the variety and difference of *Natural*, and *Artificial* productions, in ſuitableneſs to the diſtinction and diverſity of *Climates* and *Territories*, there ſhould be as well a kind of *neceſſity* impoſed upon, as *an incouragement* given unto all *Nations*, for the cultivating and promoting a Correſpondence together.

And tho' the chief and great *Ends* which the Univerſal and Sovereign *Ruler* deſigneth, thro' and by the means of an *Intercourſe* between and amongſt people of all Nations, and which accordingly he makes the purſuing of, to be the principal part of our *Duty*, be exceedingly *Different* from, and are incomparably more *Noble*, and *Sublime* as well as more *Subſervient*, both to his own *Glory*, and to the mutual *Benefits*, which ſhould be Proſecuted, and are attainable, by a free and unlimited *Correſpondence*, than thoſe, which the generality of men, do mainly propoſe, and ultimately acquieſce in; Yet we are not in our deſires and endeavours after Communication and Commerce with others, ſo precluded from *Aiming* under the *Proſpect* and *Influence* of *Secular Advantages*, in *Subordination* to higher aims and Attainments; but that it is both *Lawful* in it ſelf, and may be *Expedient*, with reſpect to the Safety and Proſperity of thoſe Regions, and Dominions, and political Communities, where we are brought forth, do inhabit, and into which we are Incorporated, to ſeek, and purſue ſuch an acquiſition of Opulency and wealth thereby, as may as well advance the reſpective Nations and Societies unto which we belong,

belong, above the Contempt, and prove Serviceable to the covering them from the Inſults of Neighbouring Kingdoms and States, as recompence and reward the Labours, Hazards and expences of thoſe, who do either perſonally, or otherwiſe engage, aſſociate and venture in the beginning, promoting and defending a Correſpondence and Commerce of this Nature.

For tho' there have been, and ſtill are here and there, a *few* that being formed *ex meliore luto*, and who thro' having ſomething diſtinguiſhing and ſingular in their *mechanical* Frame, Or thro' the being imbued with more exalted and generous Principles either of Nature or of Grace, then it is the Lot and Portion of many any where to be, have upon *Philoſophical* or upon *Religious motives*, become Travellers, and Voyagers into far diſtant and remote Countries; yet as the ends under the view, and for the compaſſing whereof, they have heretofore undergone, and do hitherto ſubject themſelves to the toil, coſt and dangers, which unavoidably attend and accompany ſuch undertakings, are either too ſpeculative, and too much abſtracted from things and matters, that affect our Senſes, and are beneficent, and gratifying to the Animal life; or are of too elevated, ſpiritual and Celeſtial a Nature and Conſideration, to make an impreſſion upon, and to byaſs and govern any *Large Number* of thoſe of great Political Bodies, and National Societies; So the Embarking thereinto, upon the forementioned ſingle inducements and proſpects, by ſome Individuals, whoſe either natural Genius, or their improvements in Divine Knowledge, and the being furniſhed with more Chriſtian zeal,

and Supernatural grace, than moſt have arrived unto, or are under the power of, does neither amount nor bear proportion to the Notion and *Idea*, which an *Univerſal Correſpondence* between and amongſt thoſe of all Regions ſignifieth and imports. Nor will it anſwer the Exigencies and Neceſſities, which the People of every Nation are leſs or more under, of having their Superfluities Exported and of gaining thoſe things to be Imported, which they do either wholly, or to very prejudicial Meaſures and Degrees, want and ſtand in need of.

So that it is not more obvious, than it may be eaſily accounted for, how a *Correſpondence* of this or that State or Kingdom, with other Nations and Dominions, eſpecially when far diſtant, and widely disjoyned from each other, comes to be ſo little minded and practiſed, ſave in order unto, conjunction with, and in Subſerviency to *Traffick* and *Mercantile Commerce*. Nor do remarkable Numbers of any people much love to Travel, or commonly do, out of their own Native Regions and Territories, tho' but into Neighbouring and adjoyning Provinces, which may be effected with great Safety, and at little expence, unleſs upon views either of Subſiſting better there, than they did at home, or of qualifying themſelves thro' an acquiſition of Arts and Sciences, or by the procuring Treaſure, and Wealth, by means whereof, they may afterwards make a better *Figure*, and live more comfortably and opulently in their own Countries, than they were otherwiſe likely to have done.

And whoſoever alloweth himſelf liberty, and vouchſafeth to take the pains, of obſerving the pre-

preſent *State* and *Balance* of *Europe*, with the various and different conditions of the ſeveral Territories, Jurisdictions and Dominions thereof, will ſoon diſcern and underſtand, why every People whoſe *Country* lies ſituated, and whoſe either Soil or Induſtry may furniſh them with *Materials* for *Trade*, ſhould account it their *Intereſt* and make it the *Scope* and *Deſign* of their Skill and Labour, to *cultivate* and *purſue Navigation* and *Foreign Traffick*; ſeeing the great Advantage, whether with reſpect to Power or to Wealth, which this or that *European Country* and *Nation* have above and beyond *others*, is moſtly, if not altogether, owing and aſcribable unto the extent and meaſure of their *Navigation* and *Traffick*. For as it is principally this that attracteth and draweth large ſwarms of Induſtrious people to Countries and Territories, where the Natives and ſuch as did Inhabit there before, were but few; ſo in proportion to the encreaſe of people, and their application to Commerce, there do neceſſarily enſue Enlargement of Agriculture, Augmentation of Manufacture, the venting of Natural as well as of Artificial productions, and thereby a growth in Wealth and Treaſure, and conſequently thereunto, an advancement in the value and price of Lands.

But becauſe the main deſign, as well as the neceſſary brevity of this Diſcourſe, will not allow place nor room, for the arguing of this according to the worth, and importance of the Subject, I ſhall therefore chooſe at once, both to prove and to illuſtrate it from and by uncontroulable matter of *Fact*. Nor have we occaſion to go far for a convincing Inſtance and

Evidence of it: Forasmuch as we need no other demonstration of the many *Benefits* that Naturally result from *Trade*, than to consider how our Neighbours, the *Dutch*, are hereby become *Populous*, *Wealthy* and *Powerful*. It being apparent, beyond possibility of being rationally denied, or contradicted, that notwithstanding the Unhealthfulness of their Air, the Brackishness of their Waters, the Badness of their Ports, the Scarcity of their Natural Productions, the Narrowness of their Territories, and the vast Expence, which they are indispensibly obliged unto, for the covering and defending themselves, and their Country from the Inundations of the Sea; yet that upon the motive and encouragement of the Profits and Advantages arising by *Trade*, they have drawn many of the most Laborious and Ingenious people of all Neighbouring Countries into their *Provinces*; so that from a scanty number of Original *Natives*, and primitive *Inhabitants*, they are increased into such a Multitude, that no Nation without Traffick, and that is confined to there narrow dimensions of Lands and Territories, maketh an approach unto, and much less equalleth. And all these by accruements from Navigation and Commerce, are not only by reason of their Riches and Wealth, become the objects of the envy of such as live about them; but the *Heads*, *Governours* and Supreame *Rulers* of that Republick, are risen from Poor Weak Supplicant and Despised *States*, to the making of such a *Figure* in the World, that fully and amply answereth the *Lofty Title*, which they have assumed unto themselves, of *High* and *Mighty*.

Nor

Nor is it unworthy of remark, that the *Engliſh*, whoſe Genius diſpoſeth and inclineth them, and whoſe *Situation*, *Ports*, *Natural Productions*, and Manufactures, give them incomparable Advantages for Foreign *Traffick* and Commerce, beyond what the *Hollanders*, with reſpect to all and every one of theſe recited particulars are poſſeſſed of, and furniſhed with, and that the ſaid *Engliſh* have for above a *Century* of Years applyed themſelves unto *Trade*, with Induſtry, Zeal, and Succeſs, beyond what moſt of their *European* Neighbours can pretend to have done; yet even They are greatly exceeded by the *Dutch* (allowing for the dimenſions of their Territories) both in *Number* of *People*, and in the *Opulency* of *Private* Dealers, as well as of their *States*. And this meerly by a more intenſe, and *Univerſal Cultivation* of *Commerce*, and by the Wiſe conduct of their *Government* in the making the *Export* and *Import* of their Goods, and Commodities *Moderate* and *Eaſy*, under all the Exigencies and Neceſſities of the *State*, and a proportionable Impoſition upon, and Exaction from the Subject. For whereas the *Dutch* (as is well obſerved by that Excellent and Sagacious Author *of an Eſſay upon ways and Means*) having in all their Provinces only *about Eight Millions of Acres*, do entertain, employ, and comfortably Subſiſt near *three Millions* of People, yet *England* notwithſtanding all the forementioned Advantages, for *Traffick* beyond and above them, and its having in Land *more than Thirty Nine Millions of Acres*, is not reckoned to have above *Six Millions of People*, which upon a balance, and an adjuſtment of our extent of Ground and

Eſſay upon the probable methods of making a people gainers in the balance of Trade. p. 37.

theirs, makes them to exceed us more than in a Moyety of Inhabitants.

And as they have in the vertue of, Reſults from, and natural Conſequences upon there application unto, and Cultivation of *Trade*, attained unto a Naval ſtrength, which makes them *Superiour* in *Marine Power* to moſt *Nations*, and *Rival Competitors* with all for the *Sovereignty* of the *Seas*; ſo they are grown able thro' the *Treaſure*, which they have acquired by *Traffick* and *Commerce*, to procure, raiſe, and muſter, *ſuch Numerous Forces*, out of diſtant, as well as out of adjoyning Countries (where the want and poverty not only of Subjects, but of Princes tempteth the *Latter* upon the baite and bribe of Penſions, to grant and afford them what proportion of Troops they do require, and compelleth the former upon the hopes of a Pay, that will hardly yield them Food, to be willing, and ready to ſerve under their Banner) as thereby to be in a Condition to undertake, carry on, and manage both *Offenſive* and *Defenſive Wars* againſt the greateſt Potentates, and the Powerfulleſt Nations in *Europe*. For as it is with great Judgment, and an accurate regard to Truth, obſerved by the moſt Ingenious Author of *an Eſſay, upon waies and means*, that *no Sums dug out of Mines, bear any proportion with what may be made to riſe, by the Labour and Traffick of a Trading and Induſtrious people:* So it is no leſs *Morally* and Politically certain, than any *Problem* in *Euclid* is *Mathematically*, that in proportion to the Riches and Treaſures which a people is poſſeſſed of, they may be powerful (if they pleaſe) by Land as well as by Sea. Whereas ſuch Nations, who do either becauſe

of

of their diſtance from *Navigable Waters* ſtand *Incapacitated* and *Diſabled* for all *Maritime Traffick*, or who by reaſon of their *Careleſneſs*, and *Sloth*, do not *Apply* themſelves unto it, with that Induſtry which they ſhould, are notwithſtanding their larger, as well as their equal extent of *Territories*, with them whom we have mention'd, not only unable to ſupport and ſuſtain a full complement of People, in proportion to the dimenſions of their Land, but tho' poſſibly through the Largeneſs of their Ground, they be overſtockt with Inhabitants, beyond what ſome Trading Countries are, nevertheleſs they are uncapable of Maintaining even a *Land War* (eſpecially if it be offenſive) for ſo long a time, and with ſo much Reputation and Honour, as a Kingdom or State addicted unto *Traffick* and *Commerce*, are experimentally found to be in a condition to do. Whereof I need not aſſign Inſtances, there being ſeveral large Dominions, and conſiderable Republicks in *Europe*, which are undeniable and convincing proofs of it, and particularly even *Germany*, as well as *Switzerland*: who notwithſtanding their great Numbers both of Men and of Diſciplined Troops, and their inclination unto, and Bravour in War, yet thro' their being ſtraitned and ſcanted in *Money*, which is a Natural and unavoidable *Conſequence* of their *Want* of *Traffick*, they are neither in a condition to bring ſuch Numerous *Armies* into the *Field*, nor for any long time to *Maintain* them *there*, as ſuch *Nations* who are ſtored with Treaſure, as the reſult effect and produce of Trade, eaſily may and often do.

But

But that which in a moſt eſpecial manner, ſhould awaken and oblige every Nation, that lies *Situated*, and is provided with Neceſſaries and conveniencies for *Trade*, to undertake, cultivate and promote it, is ſeriouſly to weigh and conſider, what our *Neighbours* who have commodious *Ports* for *Navigation*, and *Natural* and *Artificial Productions*, to be both the Source Original and Foundation, and the Nerves and Supports of it, have been of late and are ſtill induſtriouſly doing. Namely that the acquiſition and enlargement of *Trade*, is the great Study and endeavours of moſt Princes and States, the adjacency of whoſe Territories to the Sea, the growth of their Soil, and the Manufactures of their Subjects do in any meaſure make it practicable, and give hopes of ſucceeding and proſpering in it. Particularly that Powerful and wiſe *Monarch* of *France*, no leſs to his own *Glory* than the *Benefit* of his *Dominions*, makes it the chief buſineſs of his Royal care and Authority, to encourage advance and protect it. Tho' of all Potentates and people whatſoever, the *French King* and his *Subjects* are in the beſt condition to ſubſiſt comfortably without it. And that by reaſon of their enjoying not only within themſelves and at home, *all things* that are abſolutely *Neceſſary* and *Requiſite* for the pleaſure, as well as for the Suſtentation of life, but becauſe of their having ſo many and ſuch *Valuable Superfluities*, which others do Export from them, for which they do both furniſh them in way of Exchange, with thoſe few conveniencies, they do want, and do enrich them with Treaſure, by paying them in Gold and Silver, for moſt part of the Goods and Commodi-

ties,

ties that they purchaſe of, and import into their own Countries from them.

And indeed what that *Prince*, hath effected and done within the *compaſs* of a *few years*, and the narrow *Circle* of his own *Reign*, in the encouraging and promoting *Manufactures* at *Home*, the extending and enlarging *Traffick* into all Countries, tho' at never ſo great a diſtance *Abroad*, notwithſtanding the Natural averſion, as well as the long contracted indiſpoſition of his people thereunto, thro' Humour, Genius and Cuſtom, and his having raiſed and furniſhed himſelf with a *Naval Power*, which for Number and Strength of *Ships*, is not only in a Condition to protect his *Commerce*, and defend his Kingdom againſt Invaſions by *Sea*; but to diſpute the very Dominion of the Ocean with thoſe, who have long laid claim unto, and honorably maintained it; I ſay that the great encouragement which he hath given, and the ſtupendious advancement that he hath made in all theſe, do cloath and adorn him with greater Honour while he liveth, and will tranſmit his Name hereafter to Poſterity, with a more dazling Luſtre and Splendour, than either all his Victories and Conqueſts heretofore, or his late ſuſtaining ſo long a War, without any conſiderable Mortification and diſgrace to himſelf, or momentous prejudice or damage to his People. And whoſoever will give themſelves leave to think, and are withal qualified to penetrate into the Springs, Reaſons, and proper cauſes of Matters and Affairs of this nature, will eaſily find and perceive, that there is nothing has ſo much laid the Foundation of his vaſt Power and Strength of Military Forces at Land,

and

and of his Ability to maintain and ſupport them, without either their Deſerting or their Mutinying thro' want of Food, Rayment and Pay; and of all the Succeſſes which he hath attain'd unto by means of their Bravour and Diſcipline, as his *Manufactures* at home, and his *Commerce* abroad have done, from and by which moſt of that great *Wealth* and *Treaſure* hath *flowed* in to him, in the Vertue whereof theſe things became practicable and have been accompliſhed.

For I do reckon there is nothing more demonſtrable, than that the *French King* is chiefly indebted to the Profits and Emoluments, which have ariſen by Manufacture and Trade, for all that during the late War he hath been enabled to do both offenſively and defenſively. And while others do amuſe and triflingly employ themſelves, and impertinently and uſeleſsly ſquander away their time, in loading their Memories with naked and inſignificant accounts and *Memoirs* of the *Military Facts* of that *Monarch*, and of thoſe Confederated againſt him, which were tranſacted here and there, during the late bloody expenſive and tedious War: I am not aſhamed to declare my ſelf one, who am rather willing to enquire into, repreſent and to recommend, the Springs, Originals and Foundations, upon which that *Potentate* was in a condition to ſupport and manage ſo long a War, with ſo much Reputation to himſelf, and ſafety to his Territories and People. And I do preſume to affirm, that the main Sources and fundamental means hereof, were his former acquiſition of Wealth, and a continued acceſſion and accruement of new *Treaſure* by *Manufacture*

and

and *Trade*. It being thereby alone, that ſo large a *Quota* and Portion of the Gold and Silver dug out of the *Spaniſh Mines* of *America*, and of what of the former is gathered in *Africa*, hath either by ſhorter and more expeditious ſteps, or after longer and wider ſtrides flowed into *France*, and thereupon in the Courſe of Circulation there, hath come at laſt to be ſo plentifully lodged in that *Princes Exchequer*. So that it is into *Trade* and the *product* thereof, that we are principally to reſolve the *French King*'s having been not only able during the laſt War, to cover and protect himſelf from diſhonour, and his Kingdom from Ravage and Impoveriſhment, by the irruption of the Troops of the Allies into his Provinces, their deſtruction of his Cities and Towns, or the pillaging of his Subjects to a meaſure and degree, that countervailed the attempting, and executing any thing of that kind, but his having been victorious in ſeveral Battles, ſucceſsful in the Conqueſt of divers ſtrong Holds and Fortifyed places, that were thought by ſome to be impregnable; and the rendring himſelf Maſter of large and rich Provinces, whoſe Situation and Remoteneſs, were thought Sufficient to have covered them, from being inſulted, and much more to have made it impoſſible to have ſubdued them, and all this againſt ſuch a plurality of Confederate *Allies*, and the greateſt, ſtrongeſt, moſt numerous and beſt diſciplined united *Forces* that were ever known in this part of the World, to have cemented and Joyned againſt *One Prince* and ſingle Kingdom.

Now I have the more particularly mentioned this, not that any ſhould thereby be provoked

to

to complain of, or to blame that *Monarch* becauſe of his employing his Princely ſolicitude for, and *exerciſing* his *Royal Authority* over his People, in commanding as well as encouraging their application unto *Manufacture* and *Trade*; but that his example may be both a Pattern and a motive unto every Nation to enter upon, and, to purſue the ſame ways and methods, that is any wiſe qualified for, and capable of doing it. And eſpecially that they would engage therein with zeal and Induſtry, unto whom upon the advantages, which will redound and accrue to him, thro' his Subjects improving in Manufactures, and in the enlargement and encreaſe of their Traffick, he may by reaſon of his Neighbourhood become hereafter a more dreadful Enemy than ever he yet was. For tho' neither our uneaſineſs, upon the aforementioned Account for the preſent, nor our too Juſt fears of what may overtake and befall us in time to come, can Juſtify either our being offended with, or our ſpeaking undecently of the *French* King, but will only betray and diſcover our Folly, Ill nature and want of Breeding; yet it will both become the Wiſdom, and prove the Intereſt of the *People* of *England* whom He is about *Rivalling* in *Commerce*, as well as in *Naval ſtrength*, to make it more their care and endeavours to exceed him in each of thoſe. And it is and will be every day more and more the great concern of the *Scots*, to emulate and imitate him in theſe particulars, as far and as much as they can. And were He at preſent in actual Hoſtility with us, as who knows how ſoon he may be, yet *fas eſt ab hoſte doceri*, it is both Lawful and commendable to ſubmit to learn of

an

an Enemy, and to ſuffer our ſelves to be taught by him.

Nor can it Juſtly adminiſter offence to any honeſt and prudent Engliſhman, if I take the Liberty hereupon to ſubjoyn in a few words, that the more the *French* do cultivate and promote *Manufacture* and *Traffick*, for which neither his *Majeſty* nor the *Parliament* of *England* can righteouſly quarrel with them, nor can attempt to diſturb, or to obſtruct them in their *Commerce* without ſome previous Infraction on their part of the *Treaty* of *Reswick*: The more it ſhould be the *Princely care* of the *King* of *Great Britain*, and the ſedulous and prudential *Study* and *endeavour* of an *Engliſh Parliament* and *People*, that the *Scots*, who being under the ſame *Prince*, that they are, and thereupon ſo Confederated and linked together, as to have the ſame Friends and Enemies, may both have the Advice, Councel, and Countenance of *England*, to encourage them unto, and the Aid and Aſſiſtance of their Treaſure, and Strength and Power to uphold and protect them in *Trade*. For ſeeing *Traffick* is the *Spring* and *Fountain* of *Wealth*, and that Nations encreaſe in *Riches* in proportion to the Kind and Degrees of their Manufacture, and the Quality and Extent of their Commerce; It naturally followeth that it is both the Intereſt and Duty of theſe Kingdoms mutually to further, and ſupport one another, who being Subjects under one and the ſame Soveraign, are knit and united together by a ſtronger Cement, and by more firm and indiſſoluble Tyes, than Countries under diſtinct and different Princes, are capable of being made by Alliances and Leagues, how publickly ſoever contracted

tracted and ſtipulated, and ſolemnly ratified and confirmed. Nor will it I ſuppoſe be denyed, but that according to the *Share* which *England* and *Scotland* ſhall acquire and obtain of the Trade of the World, the *Leſs* will fall to the *Portion* of the *French*, and the Leſs vent they will have, as well every where for their own Natural and Artificial productions, as for what they do Import from Foreign and remote places.

Nor can it be reaſonably contradicted, but that *Scotland* hath been expos'd and ſtood liable to many *Inconveniences* and *Prejudices* by it's having ſo long and greatly neglected *Manufacture* and *Trade*, as it hath imprudently and ſupinely done. And had not they of that Nation, given undeniable proofs in divers other ways and Inſtances of their being a Sagacious and Wiſe, and a Laborious and Induſtrious people; ſuch of ſome other Kingdoms who aſſume a great Licentiouſneſs in rallying upon the defects and imperfections of thoſe of other Countries, than their own, might as Juſtly reflect upon the *Lazineſs* of the *Scots*, and their *deficiency* in *Prudence*, and *good Sence*, as they do with inſolence and unmannerlineſs enough, upbraid them with their Poverty. But as this is a very tender Subject, I ſhall handle it with ſuch gentleneſs, that none of the Kingdom of *Scotland*, ſhall have cauſe to be offended: For as much as my only deſign herein is, to repreſent the Benefits which will ariſe to them, by their preſent undertaking, and to commend their engaging, as well as to encourage their perſevering in it, but not to reflect with any Severity upon their omiſſions heretofore in this matter.

And

And I ſuppoſe it will be readily acknowleged, by all Men that are capable of thinking accurately, and to uſeful purpoſes, that it is not the *Largeneſs* of *Territory*, that makes a *Country Strong* and *Powerful*, but the great and plentiful Number of People, and conſequently that the neglecting of ſuch means and Methods, as would be effectual motives to prevail upon ſuch as are Born and Bred in a Nation to continue in it, or to go no where but in proſpect of, and in Subſerviency unto the proſperity of their Native Land, muſt unavoidably cauſe a Nation to be Weak, notwithſtanding the vaſt Multitudes, that may have been Born, and for ſome years brought up in it; which I preſume will be confeſſed to have been hitherto the caſe of the *Kingdom* of *Scotland*, in that ſo large Numbers of people of great Ingenuity of mind, and of bodily ſtrength and agility, equal to thoſe of any Country about them, have through the difficulties they were under of living comfortably at home, which proceeded from Neglect and want of *Manufacture* and *Trade*, been Neceſſitated, as well as Tempted, to ſeek their Fortunes, and to endeavour to gain a livelyhood elſewhere.

Whereunto may be added, That as it is not meerly becauſe of the having a great Number of People, that a Nation is rendred Proſperous and Happy, but thro' the having them uſefully employed, which it is impoſſible they ſhould be, without *Manufacture* and *Traffick*, and therefore that where there is none or very little Trade, a Nation is even made Obnoxious, and doth become liable to Calamities and Deſolations, by the greater *Complement* and *Number* it hath of *Inhabitants*. Seeing in ſuch years as are not

Seaſonable for Grain, wherein that of the Poet obtains of *Spem mentita ſeges, the Corn doth not anſwer the hope and expectation of the Husbandman*; The greater that the *Number* of the *People* is, they muſt be ſubject the more to *Famine*, and Multitudes of them expoſed to *Starve*. Whereof there needs no other proof, than what that Country hath for theſe two or three laſt years afforded us. For tho' it is by reaſon of *Trade*, being become more diffuſed and univerſal in the World, than it Anciently was, by means whereof the Indigency of one Country, is ſupplyed out of the Abundance and Plenty of another, that *Famines* of late Ages are neither ſo frequent nor ſo Fatal as of Old they uſed to be; yet in proportion to the Scarcity and Want that there is of Money in any Nation, which muſt neceſſarily be anſwerable to the littleneſs of their Manufactures, and the meanneſs of their Commerce, Famines will both fall out the oftner there, and prove the more deſtructive. Seeing by the ſame reaſon, that the *Poor* in any Country, are in a time of ſcarcity more Obnoxious to Starving, than ſuch as are *Rich*: A *Nation* that is *Neceſſitous* muſt be more expoſed and ſubject to *Famines* and to Devaſtations by them, than Kingdomes and Provinces which are Wealthy and Opulent ſtand liable unto.

Yea where *Trade* is not encouraged and promoted, even *Agriculture* it ſelf will be much neglected, tho' it be the chief, if not the only means, whereby the Inhabitants do Subſiſt. Becauſe that as thro' the Scarcity of Money, and the Poverty thereunto annexed, which as I have often intimated, will always both accompany, and be proportionable to the want of

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Manufacture and Commerce, there will never be a ſufficient *Complement* of *People* to *Cultivate* all the *Ground*, that is capable of being *Manured*, but that much of it muſt be left *Barren*: So the price of *Grain* and of Fatted *Cattle*, being generally in proportion to the *Wealth*, and *Treaſure* that a *Nation* is poſſeſſed of, the *Rates* of thoſe will run too low, for *Husbandmen* to be encouraged and enabled, to make ſuch improvements even of their *Agriculted* Lands, as they might by Expence upon them be brought unto. Which brief hint and ſuggeſtion, I do leave and referr unto the conſideration of thoſe who do live in *Scotland*, who muſt know better than I pretend to do, how little their beſt Lands are improved to what they are capable of being, and how much Ground doth lie wholly barren, by reaſon of the want of a ſufficient Number of People, and of the deficiency in Riches of thoſe the Nation is ſtockt with, to take it in and cultivate it.

Whereas it is obvious what great enlargements are made in the *Agriculture*, and Paſturage of *England* beyond what formerly was, and to what high Prizes in compariſon of that which they bore before, *Corn* and *Cattle* are advanced, ſince the *Application* of the *Engliſh* to *Trade*. Nor is it to be doubted, but that as they extend their *Traffick*, and become thereby farther enriched, there will be a proportionable progreſs made in the taking in and rendring thoſe Lands fertile which remain hitherto Barren, and in the encreaſe of the Price of thoſe which are already cultivated. Nor may it be amiſs under this head further to repreſent, that it is becauſe of the *Scots* having neglected *Manufa-*

ſture and *Trade*, that the general Rental of that Kingdom, and the *Value* of *Lands* when *Farmed*, are even for the *Dmienſion* of *Territory* and *Ground*, ſo much Diſproportionable unto, and below what they are in *England* and *Holland*. Nor can any Mathematical propoſition be more evident and certain, upon the indubitable principles of that Science, than it is ſure and unqueſtionable both from *Moral Arguments* and *Experience*, that the current *Worth* of *Land* to be *Let* will be always according to the *Meaſure* of *Manufacture* and *Trade*, and in proportion to the *Riches* which a Nation by that means becomes poſſeſſed of. In confirmation whereof, it may not be unſeaſonable to take notice, how that anſwerably to *England*'s enlarging its *Manufacture*, and extending its *Trade*, the value of *Lands* hath in equality thereunto gradually riſen and ſwelled. So that from *Twelve years* purchaſe, which was the higheſt that *Land* went at about the middle of Queen *Elizabeth*'s Reign, when this *Nation* began firſt to apply it ſelf conſiderably to *Commerce*, it was riſen and advanced ſome time ago to *Twenty Years* Purchaſe, and in ſeveral places of the Kingdom to more. For as the Admirable *Author* of an *Eſſay on Ways and Means* doth moſt pertinently obſerve, and confidently affirm, *That there are undeniable reaſons to be given, that the general Rental of* England *did not in the year* 1600 *exceed Six Millions* per annum, *but that thro' the help of that Wealth, which had flowed into the Kingdom by Foreign Trade, it had riſen before the commencement of the late War, to Fourteen Millions Yearly*; So none will have the Effrontery to gainſay, but that the *Rental* of *England*, was

Eſſay upon probable Methods of making a people gainers in the Balance of Trade. p. 77.

was the year 1600 greatly encreaſed beyond, what it had been about half a Century before. Which the more it is ſeriouſly weighed, and duly pondred by the Nobility and Gentry of *Scotland*, it will not only both Juſtifie their Wiſdom in procuring an *Act of Parliament*, *for Trading to Africa* and the *Indies*, and in their having joyned ſo freely, and contributed ſo Liberally, for the forming a *Stock*, and raiſing a *Treaſure*, that may be ſufficient as well to Uphold, and Promote as to Begin it, but it may alſo animate their Zeal, and raiſe their Courage for the Maintaining and Protecting of it.

But to ſhut up this particular, it is to be aſcribed to the neglect of *Trade*, and their falling below their Neighbours in *Riches* and *Treaſure*, which is the Natural effect of that Omiſſion, that *Scotland* is not only ſo weak as it is in a *Naval Strength*, notwithſtanding the variety, goodneſs and conveniency of its *Ports*, for the *Ocean* and *Mediterranean*, as well as for the *Narrow Seas*, and the *Baltick*, but that the *Nation* doth make ſo mean and inconſiderable a *Figure* in *Europe*, and that the *Scots* Nobility and Gentry, who for their Natural and acquired accompliſhments do equal moſt of any Country that are of their Rank and Quality, and who for Bravour are Univerſally acknowledged to Come behind few or none, are nevertheleſs ſo little Valued and Careſſed by Princes, and in Courts, by whom and where perſons are chiefly eſteemed, according to their weight in the balance of an Exchequer, and in proportion to their Rental and Capital.

But the *Kingdom* of *Scotland* being at laſt willing and deſirous to redeem it ſelf from the *Opprobry* and *Reproach*, unto which it hath ſo long ſtood expoſed among its Neighbours, for the having either thro' Supineneſs or Pride, neglected the promoting and purſuing *Manufacture* and *Trade*, and being now Embarked in an Undertaking, that will relieve that Nation againſt, and reſcue it from the Inconveniencies and Damages, which have enſued upon, and accompanied their *Omiſſion* of *Commerce*, it may not be here improper to repreſent in a few words the ſeveral advantages that *Scotland* is poſſeſſed of, and doth enjoy in equality with moſt Countries, and above divers, for its being qualified and enabled to ſucceed and proſper in this Deſign. For the main and great things that are Antecedently needfull, and prerequired, in order to a peoples engaging in *Manufacture* at home, and *Commerce* abroad, being large Numbers of Men and Women, and a Soil producing variety and plenty of uſefull Commodities, and convenient Ports for the Exportation of their own Commodities, and the Importation of ſuch goods from Foreign parts, as they ſhall have either occaſion to conſume amongſt themſelves, or which by carrying them forth again, they can diſpoſe of and vend elſe where; there are few *Nations* in *Europe*, that are better furniſhed and accommodated with all thoſe advantages, helps and Succours than *Scotland* is. Seeing beſides its having divers *Harbours*, and thoſe both ſafe and conveniently Situated, for Sailing to and from the Eaſtern, Southern and Weſtern parts of the World; It hath likewiſe diverſe *Natural Productions*,

ductions, and may have a ſufficient plenty of *Artificials*, to give an *Original* unto, and be both a *Foundation* and *Nouriſhment* for Trade: Nor will any deny but that it actually doth, or may at leaſt ſpeedily ſo abound with People, as to yield and afford hands enough for *Manufacture* and *Traffick*.

For tho' I do acknowledge, that *Gold* and *Silver* with which the *Scots*, may probably be but indifferently and ſcantily furniſhed (whereof nevertheleſs they may in time by this means acquire more) be the meaſure of Trade; yet nothing is more certain, than that the *Natural* and *Artificial Products* of a Country are the *Spring* and *Source* of it; and that the *Nerves* and *Sinews* thereof are a *Multiplicity* of *Hands* properly and induſtriouſly employed. And with theſe *Scotland* doth ſo abound, that many have not only been, and ſtill are thro' want of buſineſs and labour whereunto to apply themſelves, an uſeleſs and a grievous Burthen to their Native Country: but great Numbers have by their Neceſſities been conſtrained either to Tranſport themſelves into the Colonies and Plantations of other Nations, or to ſerve Foreign Princes and States in the Wars, which they have been carrying on againſt one another, in neither of which ways, hath any *Benefit accrued* to the *Kingdom* of *Scotland*, nor is it poſſible that it ſhould, unleſs now and then caſually and by accident. But thoſe Colonies, where they have planted, do carry away and engroſs the Gains of their Induſtry: And the Potentates under whoſe Banners they bear Arms, do reap the Glory of their Bravour, and do become poſſeſſed of thoſe acquiſitions

of Towns and Provinces, which they purchaſe at the expence of their Blood and Lives,

And may I be permitted, without giving offence, to add, That thro' the latter of theſe Methods, *Scotland* hath had the Misfortune, to have more Thouſands of luſty and valiant Men kill'd and deſtroy'd in Wars, wherein that Kingdom had no National concern, than if they had been employ'd in the gentle and peaceable *Arts* of *Manufacture* and *Trade*, would have been ſufficient to have render'd it a powerful and opulent Nation. Yea, ſuch has been the guilt, as well as the unhappineſs, of thoſe, who thro' want of Buſineſs, to give them a Subſiſtence and Livelihood at Home, have betaken themſelves to the carrying Arms under Foreign Rulers and Potentates; that they have not only been frequently engag'd in the killing of others, and expos'd to be kill'd themſelves, when and where the alone cauſe of the War, hath too often been meerly, either the Covetouſneſs, Pride and Ambition of the Aggreſſors, or the Fraudulencies, and Injuſtices of the Aggreſſed: But, that to the diſgrace of the Chriſtian Religion, and the infamy of their Country, they have, many times, in Oppoſite and Hoſtile Brigades and Battalions, been found Encountring and Slaughtring one another. So that for the obviating, preventing, and avoiding, that Criminal and Reproachful Courſe for the future, if upon no other Proſpects and Motives, that Kingdom ought to apply it ſelf more to *Manufacture* and *Trade* than it hath hitherto done.

For which that Nation ſtands not only exceedingly adapted, by reaſon both of the *Sagacity* of their *Nobility* and *Higher Gentry*, for the diſcerning

diſcerning and adviſing unto Means, Ways, and Methods, for the encouraging, encreaſing, and maintaining thereof; and of the *Mercantile Knowledge*, *Skill*, and *Artifice*, of thoſe of the *Middle Rank*, For adjuſting, conducting, and managing, as well what is to be *Fabricked* at *Home*, as what is to be chiefly *Regarded* and Cultivated abroad: But eſpecially, becauſe of its having, with reſpect to the *Number* of its *People*, a vaſter *Proportion* of thoſe that are of the *Poorer* and *Inferiour Sort*, than ſome other Countries are furniſh'd with. Nor is any thing more demonſtrable, than that a multiplicity of Nobility and Gentry, without a very large Number of *Commonalty*, and of ſuch as are *Neceſſitous* and *Indigent* to very conſiderable meaſures and degrees, is rather an *Obſtruction* unto, than a Furtherance of *Manufacture* and *Commerce*. Seeing tho' the former may aſſiſt towards the finding and ſupplying the *Materials*, and can alone afford and advance the *Treaſure* that is neceſſary to the Managing, Upholding, and the Enlarging of both; yet it is they of the *latter kind* that do mainly afford the Hands, by whoſe Toyl, Labour, and Induſtry, the Production of the *Waters* is *gain'd*, the *growth* of the *Land* is *Fabrick'd* and *Manufactur'd*; and whatſoever *Commodities Colonies* and *Plantations* are capable of *yielding*, come to be acquir'd and improv'd. [For as it is confeſs'd by all, who do exerciſe their Thoughts in and about Speculations of this kind. that *Multitudes* of *People* are the moſt valuable *Treaſure*, as well as the greateſt *Strength* of a *Country*: So it is infallibly certain, that the *Peaſants* and *ordinary Sort*, and ſuch as are reckon'd for the *Mobb* and Commonalty, provided they be univerſally

univerſally and fully employ'd, and their Labour and Induſtry pertinently and uſefully apply'd, are as ſerviceable to the Intereſt of a Community and Republic, and as contributary to the making a Country Opulent and Wealthy, as thoſe are of any Rank and Quality whatſoever, if not conſiderably more. And the more any Nation is *over-ſtock'd* with *Poor*, it becomes the more ſignally the *Intereſt* of that *State* or *Kingdom* to cultivate *Manufacture* and *Trade*, theſe being the only means of rendring ſuch *ſteadable* to the Common-wealth, who muſt otherwiſe be unavoidably *Burthenſome*. And as *Scotland* hath a large complement and ſhare of very mean and poor People, that may be made ſerviceble to the *Fabricking* Good and Commodities at Home, the *Navigating* Ships of Traffick. raiſing a breed of Seamen for Fleets of Men of War, and for the Planting of *Colonies* abroad, and the winning, extracting, and improving the productions of thoſe Lands and Countries, whither they are carry'd, and where they are ſet'led: So the *Scots Peaſantry* are accuſtom'd to a *Frugal* and *Parſimonious* way of *Living*; to which thoſe of ſome Neighbouring Nations, are not, without great difficulty, to be brought, nor hardly able to bear; which is a farther and a conſiderable reaſon, why *Scotland* ſhould proceed and perſevere in the ſettling and maintaining a Foreign *Plantation*. Nor are they only diſpos'd, as well as capable of living both healthfully and contentedly upon *Viands* and Allowances, that would reduce thoſe of ſome other *Countries*, who are as mean as they are, and born as much upon the *Flat*, to a weak and languiſhing, if not to a ſtarving Condition; but they are

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by the ſize and fabrick of their Bodies, the Nimbleneſs and Agility of their Limbs, and the Natural acuteneſs of their Underſtandings, as capable of being Laborious, Induſtrious and Ingenious, in whatſoever they are put upon, and made apply and addict themſelves unto, as ſuch of any other Country are.

Finally their great inclination to Marry, becauſe of their Narrow and Frugal way of Living, and their prolificalneſs, and aptitude for Generation, and thereupon, their accuſtomednes to Encreaſe and Multiply, thro' the parſimonious manner, of their Subſiſting beyond what is uſual in moſt Countries, gives another encouragement, as well as adminiſters a further Inducement; why the *Scots* ſhould remain ſteady and unchangable, in their Deſign and Undertaking, of eſtabliſhing *Foreign Colonies*: Seeing they will upon that account, and by reaſon thereof, become the *Sooner Peopled*, without drawing too many *Swarms* from the *Hive* at home. Of this their needs no other Proof, than barely to obſerve, how the *Scots* in *Ireland*, from a very inconſiderable *Number*, that ſettled there not long ago, are Multiplied to a very great and large body of People, whereof that Kingdom receiveth and enjoyeth all the Benefits both in Power and otherwiſe; and the whole that falleth to the ſhare of *Scotland*, is meerly the Satisfaction and Credit, of having ſo vaſt a Colony of their Countrymen there. And by this bleſſing and advantage of being more Prolifical and Fertile, in the Procreating of Children, than thoſe of their ſtrait and narrow circumſtances, are any where elſe; the Plantation of *Caledonia* in the *Iſthmus* of *Darien* may in a few Years,

Years, become equal in Number of People, to ſome other Colonies in that part of the World, and *Scotland* may ſecurely promiſe to it ſelf, the eſcaping of that Miſchief, which hath befallen the Kingdom of *Spain*, in the being almoſt Depopulated, by the *Colonies* which it hath Planted in the *Weſt Indies*. Yea, were there not ſo much in what I have intimated, as I do believe there is, for the rendring them ſuddenly Populous, in any Plantation, which they ſhall eſtabliſh in an entire dependance upon themſelves, and eſpecially Subſervient and Conducive to their own Benefit; yet they will find enough to *Tranſport* and *Tranſplant* Yearly, into their *Plantations* without *Draining* their *Country* of its Inhabitants, by meerly Inviting and Prevailing upon ſuch to go thither, whoſe neceſſities do either compel them to Travel abroad, in order to be Soldiers and Servants, in Foreign Countries and Plantations, or who ſtand reduced to pinching Wants, if not to be Beggars at home; which being ſeconded and accompanied with a thrifty, temperate and regular Conduct in their *Colony*, and with the giving due encouragement, thro' granting *Liberty* of *Conſcience*, as well as *Secular Privileges* both in *Scotland* and *there*, to ſuch ſtrangers as ſhall come and ſettle among them, thro' the want whereof, *Spain* is become Diſpeopled at home, and their *Plantations* in *America* but ſlenderly ſtockt with Inhabitants, they will not only render the *Calidonian Colony*, ſuddenly populous and Flouriſhing, but they will draw more people into *Scotland* it ſelf, than it now hath, or can at any time hereafter, under all the advantages of *Commerce* an *Traffick*, be well able

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to bear. Whereof *England* as well as *Holland*, are evident examples and demonſtrative Proofs, being ſince their reſpective and ſeveral *Plantations*, in the *Eaſt* and *Weſt Indies*, mightily encreaſed in the Number of their *Inhabitants*, notwithſtanding the vaſt *Shoals* of *People*, that have from year to year been Tranſplanted into thoſe *Colonies*: For as the incomparable *Author of an Eſſay upon Ways and Means*, doth aſſure us *that* England *ſince the year* 1600, *is increaſed in Number of Inhabitants about* 900000; Whereof I may venture to ſay the like of *Holland* in proportion to the Dimenſion of their Territories: So it is undeniable, that within that circle and compaſs of time, diverſe of the *Engliſh* Plantations, came to be erected and eſtabliſhed, and that all of them, as well as thoſe of the *Dutch*, have ſince that term of Years, been enlarged, improved and become vaſtly more Peopled than they were before.

So that it appeareth, from the whole which hath been hitherto ſaid, how much the *Scots* have of late, diſcovered their Wiſdom and Prudence, and how highly their care and zeal are to be *Commended*, in their having made an Eſſay, and a Beginning for the encouragement and enlargement of Manufacture at home, and towards the erection and eſtabliſhment of a Colony abroad, and by that Foundation which they have laid, for the ſettlement and advancement of *Trade*. And this unqueſtionably they have a plenary right to do, as they are a *Free* and *Independant Nation*, without asking the leave, or demanding the concurrence of any Rulers and Countries whatſoever, provided they be Countenanced and Authoriſed thereunto

to, by their own King; and that they do nothing therein, which is inconsistent with the *Laws* of Nations, nor attempt the settling in any *Districts* or *Provinces*, from which they stand prohibited and excluded by publick and solemn *Stipulations*, between him that now is their Sovereign, or those that have been so formerly, and other States, Princes, and Potentates. For that *Scotland* dependeth upon, or is a *Province* Subordinate to any other Nation, and *Subjected* to the Ordinances, Constitutions and Municipal Statutes thereof, I suppose none will betray the Ignorance or have the Effrontery to affirm. It being a Kingdom that holdeth of none Save of God, for their *Title* unto and *Possession* of their *Country*, and of their own *Swords*, under his providential Blessing and Aid, for the Maintaining and Defending of them.

For tho' there be a very near and close Conjunction and Union, between the *Kingdoms* of *England* and *Scotland*, thro' their being under one and the same *King*, rather than in the virtue, and force of mutual Contracts and Alliances; which I do heartily wish may always continue, and that all the secret Caballings and Clandestine endeavours of those, may prove abortive, unprosperous and miscarry, who either from Ancient Piques, personal Morosenes, Envy, and ill Nature, or upon any other Motives, Prospects and Designs whatsoever, shall seek to weaken, interrupt, and especially to dissolve it. Yet *England* doth not Challenge and lay Claim to the having any *Authority* over *Scotland*, nor pretend to an Imposing of their own Laws upon that Nation, or to a Supervising of such Parliamentary *Bills* as are

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prepared and formed there in order to the being Enacted into Statutes. But the *Scots* are abſolute within themſelves, and veſted with a Power underived from any Nation, and in the exerciſe whereof they are accountable unto none, for the making of Laws, and falling upon, and purſuing all ſuch Ways, Methods, and Means, which are reconcilable with the Fealty and Loyalty, which they owe unto their Prince, that may be ſubſervient and uſefull to their own Safety and Intereſt. And in Teſtimony and Evidence of their being a *Free State*, and a Kingdom as entirely *Independent* upon *England*, as upon any other Dominion whatſoever; they both can, and do often lay what Cuſtoms and Impoſitions they pleaſe, upon *Engliſh* Productions and Commodities, when carried and Imported thither, to be vended and diſpoſed of there. And by a *Power Inherent* in themſelves, which *England* cannot reaſonably diſpute, nor lawfully Controul: they ſometimes do, and at all times may, Inhibit and Forbid their own People, the buying, uſing, and conſuming ſuch Goods as were either Manufactured in *England*, or brought thither by the *Engliſh*, from their Plantations and Colonies elſewhere.

And as in the Vertue of this independent Freedom, Liberty, Previlege and Right under the Authority and Power of their Kings, they have at all times made legal Proviſion for the *Government* of their People at home, and purſued that little Trade, which they had attained unto with ſuch *Nations* abroad, as were in Peace and Amity with their Princes, without their being queſtioned for, or diſturbed in it by any, ſave by thoſe that were

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in Hoſtility with their Sovereigns, and that only in Seaſons of actual War; ſo they have by a freſh *Exertion* of this innate Freedom, and inherent and independant *Right*, lately contrived and framed a *Bill*, which they have obtained to be paſſed into an *Act*, and a *Law*, wherein the People and Subjects of that Kingdom, *are empowered to erect Societies and Companies, for the eſtabliſhment and carrying on Trade, with whatſoever Nations and Countries, or Places in* Aſia, Africa, *or* America, *which are either not Inhabited, or where they have the conſent of the Natives, and Inhabitants thereof, under the Limitation and Reſtriction, that ſuch places are not* Previouſly and Antecedently *poſſeſſed by European Sovereigns, Potentates, Princes and States.* And moreover, *that they may provide and furniſh the ſaid Places, Cities Towns and Forts, with Magazines, Ordinance, Arms, Weapons, Ammunitions and ſtores of War, and by force of Arms, defend their Trade, Navigation, Colonies, Cities, Towns, Forts, and Plantations, and their other Effects.* As likewiſe, *that it ſhall be Lawful for them to make Repriſals, and to ſeek and take reparation of Damages done unto them by Sea or Land, and to make and conclude Treaties of Peace and Commerce with the Sovereign Princes, Eſtates, Rulers, Governours, and Proprietors of the ſaid Lands, Iſlands, Countries or Places in* Africa *or* America.

See the Act for a Company Trading to *Africa* and the *Indies*, *June* 26. 1695.

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In relation to which *Act*, for authoriſing the *Scots* to eſtabliſh a *Foreign Trade*, and their being empowered to ſettle *Plantations* in the forementioned *Parts* of the World, in order to the better gaining, enlarging, and protecting

tecting of it, the few things which I have to offer under this head, ſhall be briefly theſe. Namely, That as the *Deſign* of *Erecting* ſuch a *Trade*, and of *Planting Colonies* in the Subſerviency, to the Maintaining, Improving and Extending thereof, was not raſhly and unthoughtfully Undertaken by thoſe of that Kingdom; ſo the *Act* by which in purſuance of that Projection, they ſtand warranted to do whatſoever is before reported, was not ſurreptitiouſly obtained of his Majeſty, nor was he by any undue Artifices miſled into the Granting of it. For how much ſoever that *Nation*, might be deſirous to have a *Foreign Settlement*, towards the better enabling them for ſuch a *Traffick*, and notwithſtanding they ſufficiently underſtood it to be their great and indiſpenſible Intereſt, to embark Vigorouſly both in *Manufacture* and *Commerce*, yet their unſucceſsfulneſs heretofore in ſome attempts of that Nature, as particularly in the *Plantation* of *Carolina*, which they held of the Crown of *England*, antecedently to the *Engliſh* planting there, from which they became expelled by the *Spaniards*, thro' want of that protection, and of thoſe encouragements which were neceſſary to the having rendred them ſafe and Proſperous; made them proceed ſlowly and with great Calmneſs and Diſcretion, in the Forming, Digeſting and Maturating what they have at laſt, after an adjuſting of all that was Prerequired thereunto, put in Execution. Nor could the King be *Surprized* into the giving his *Royal Aſſent* to the *Bill* for the premiſed eſtabliſhment; ſeeing, as they who ſerved his Majeſty at that time, under the *Coaracters* of *Commiſſioner* and *Secretary* of *State*, were perſons as

entirely in his Intereſt, and zealous for his Honour and Glory, as ever any have been known to be that filled thoſe Poſts; ſo there was an interpoſition of two Years, whereby the King had all the time, an opportunity deſirable, for the conſideration of the moſt Important and Arduous Affair, in which he might have informed and Satisfy'd himſelf of the Juſtice and conveniency of what was laid before him, and humbly deſired of him, between the paſſing of the 32 *Act* of the Parliament, *Anno* 1693. which invited and encouraged, perſons in general to enter into Societies and Companies, for carrying on a Trade, in any or in all ſuch parts of the World, as were not in Hoſtility with his Majeſty, and the enacting of that Statute, which was the 8 *Act* of the Parliament *Anno* 1695, whereby that deſign was Perfected and Compleated, thro' a Companies becoming ſettled by Law, veſted with the Rights and Powers foremention'd, and favoured with ſuch immunities, as were neceſſary to encourage ſo hazardous and expenſive an Undertaking, as that was likely to be, and will infallibly Prove.

And tho' the Grace and Goodneſs of his Majeſty, appear'd very eminently manifeſted to the *Scots* therein, in vouchſafing to have granted them the privileges, *That none of their Stock and Effects, ſhall be liable unto any manner of Confiſcations, Seiſures, Forfeitures, Attachments, Arreſts, or Reſtraints; that they may Freight Outland-ſh and hired Ships, for the ſpace of ten Years, notwithſtanding the Act for encouraging Shipping and Navigation. Anno* 1661. *And that their Merchandice, goods and effects, ſhall be free from all manner of Reſtraints and Prohibitions, and of all Cuſtoms, Taxes,*

See the Act.

Taxes, Seſſes, Supplies or other Duties impoſed, or to be impoſed by Act of Parliament, or otherwiſe, for and during the ſpace of 21 *years.* As likewiſe, *That no Officer, Civil or Military, or other perſon whatſoever within that Kingdom, ſhall Impreſs, Entertain, Stop or Detain, any of the Members, Officers or Servants, or others whatſoever, of or belonging to the ſaid Company; And that all theſe ſhall be Free, both in their Perſons, Eſtates and Goods, employed in the ſaid Stock and Trade, from all manner of Taxes, Seſſes, Supplies, Exciſes, quartering of Souldiers, tranſient or local, or levying of Souldiers, or other Impoſitions whatſoever for and during the ſpace of* 21 *years.* Yet it muſt withal be acknowledged, that his *Majeſty's* Wiſdom and Juſtice to all the World, as well as to his Allies, and thoſe that are his own Subjects in his other Territories and Dominions, are no leſs ſingularly, conſpicuouſly and abundantly diſplayed, thro' the Providing expreſsly and particularly in the ſaid *Act*, that no *Prince, Country, People, or Colony, ſhall be Invaded or Moleſted in what they are rightfully poſſeſſed of, nor diſſeiſed of their properties, or of what they can lay Claim unto, by the Laws either of Nature or Nations.* Which ſhews that what his Majeſty did, in paſſing the *Act*, that hath been ſo often mentioned, was the reſult of great Judgment, and mature Deliberation. And whoſoever will but allow himſelf time to read and conſider it, will find himſelf oblig'd to confeſs, that, in no *Projection* whatſoever, towards a ſettlement of that Nature, nor in any *Statutes* or *Edicts* enacted and emitted, for the authorizing and countenancing of them, was there ever ſuch a regard had, and expreſſed to the rights of Foreigners, or of Planters elſe-

where, and of the Natives where that Colony ſhould come to ſettle, as is done in the *Scots Act* of Parliament.

Whereunto I will only further Subjoyn, that the *Scots* have not only obtained an *Act* of Parliament, *Empowring* them to plant and ſettle Foreign *Colonies* whereſoever they can, without doing Injuſtice to the Natives, invading the Territories, and Diſtricts of other Princes, or their being injurious to previous and antecedent Planters; But they have likewiſe procured a *Patent* under the great *Seal* of that Kingdom, whereby all and every thing or things, granted to them in the ſaid *Act*, ſtand ratified and confirmed by a Fact and Deed, that is Perſonally his *Majeſty*'s own, in the moſt diſtinguiſhing manner, and that by which he *Speaketh* moſt *Unretractably* as well as *Sovereignly* to his People. So that his *Majeſty* being a *Prince* eminent for his Veracity, and his Conſtancy to his Royal Word, as well as for his Courage Juſtice and Honour, He hath made it impracticable, without Sullying and Diſparaging his own Glorious Perfections, which 'tis Impoſſible he ſhould have the Weakneſs, Infirmity and Imprudence to do, either to depart from, diſpenſe with, or by a ſubſequent relaxing Interpretation, to Retract or Superſede what he hath granted unto his *Subjects* of *Scotland*, or to avoid the Maintaining and Protecting them in it. For tho' divers Projects, Propoſals and Matters, that are in themſelves very Juſt and Lawful, and which in their effects and conſequences would prove exceeding advantageous and uſefull, may antecedently to their *Eſtabliſhment* by *Laws*, and by Royal *Facts* and *Grants*,

Grants be declined and waved, as well as procraſtinated and adjourned, upon the meer foot and the ſingle motive of their being *Inconvenient*, either thro' the *Offence* or *Jealouſie* that may thereby be adminiſtred to *Allies* and *Princes* in *Amity*; Yet no publick and Solemn *Laws* are to be violated or Royal *Charters* and *Patents*, to be *Over-ruled*, *Tranſgreſſed* againſt and *Vacated* upon the Inducement, and becauſe ſome *Potentates* with whom his *Majeſty* is in Leagues, and under Stipulations and Compacts, may ſhew themſelves *Peeviſh*, and become Groundleſsly, and Cauſeleſsly *Offended*. For as all the Affairs that fall under the *Executive* part of the *Adminiſtration*, are *Regulated* either by *Law* or by Convenience: and come to be conſidered under the Notion and Views, either of what may be done with Profit to our ſelves, and without injuſtice to any, tho' poſſibly not without giving Provocation unto divers, and the rendring them Diſcontented; or what according to the tenour and *Obligation* of *Laws*, and the *Sacredneſs* of a *Princes Word* declared and pledged in his *Charters* muſt and ought to be done; So whatſoever latitude is left and allowed in reference to matters and things of the firſt kind, for acting according to the meaſures of civil Prudence, and the rules of *Politicks*: Yet in relation to ſuch matters as are of the latter ſort, there is no room or place left to conſult and deliberate what is *Fit* to be done according to *Topicks* of Convenience, Maxims of State, and politick Theorems; but there ought to be a Conſcientious obſervance and a Vigorous purſuance of, as well as a firm and unchangeable adherence unto what is made *Legal*, and which by conſequence,

ſequence, when and where the caſe is important, and the matter is of that concern and value that the chiefeſt Intereſt of a Nation lies in it, can neither be omitted nor diſpenſed with, without obnoxiouſneſs to guilt, as well as to clamour and blame.

Nor may it in the next place be unworthy of being repreſented, with what *Readineſs Unanimity* and *Zeal*, the *People* of *Scotland* came into this deſign, of *Erecting Trade*, and *Eſtabliſhing a Foreign Plantation* upon the paſſing the forementioned *Act*. For the Subſcriptions in order to the raiſing and conſtituting a *Fund*, for the ſetling a *Colony*, and thereby for the promoting of *Traffick*, for which they were allowed by the *Act* of Parliament, from the 16 of *June* 1695, untill the Firſt of *Auguſt* 1696, were not only *Filled*, *Compleated* and *Perfected*, long before the elapſe of the time that was prefixed by the *Statute*; But whereas it was provided, that it ſhould be held a ſufficient Compliance, with the deſign and Tenour of that *Law*, if only half the Money that ſhould be *Subſcribed towards the forming a Stock*, did *Belong* unto, and were the *Proper Caſh* of ſuch as were *Scots*, and did live within that Kingdom; it deſerveth to be obſerved, that the whole, hath been *Subſcribed*, Advanced, and Paid in by ſuch as are *Scots*, which is not only beyond what could have been expected, but may juſtly beget Admiration; conſidering what in that *Intrim*, they have been obliged to pay in *Taxes* for the Maintenance of *Troops*: and what they have been neceſſitated to *carry* abroad in *ſpecie*, of their *Caſh* for the purchaſing *grain*, to live upon in theſe late years of extraordinary *Scarcity* and

See the Liſt *of the* Adventurers, &c. *Printed at* Edinb. 1696.

and *Dearth*; which, at the modeſteſt Computation, may be reckon'd to have exceeded *Two hundred thouſand pounds Sterling.*

Nor are they meerly Perſons of the *Middle Rank*, or of the *Mercantile* Order, that have contributed and put in their Money for the framing of a *Bank* in order to the foremention'd Ends; but they of all *Qualities* and *Degrees* have, with great liberality and cheerfulneſs, anſwerable to their ſeveral *Titles* and *Figures*, contributed their ſhares to that *Capital*; and none with greater Alacrity and in larger Proportions than they of the *Grand*, as well as of the *Petite Nobleſs*. For none of the greateſt Perſons of that Kingdom have had the Folly and Pride to excuſe and cover themſelves from becoming Aſſiſtants to the founding and promoting of *Trade*, by pretending it a diſparagement to their *Garters* and *Coronets*, and below the lofty Stiles that they have by Parchments, which give them an aſcendency above Gentlemen. Theſe days of Vanity and Phantaſticalneſs are over; and they of the *Subliimeſt Rank* do begin to govern themſelves by principles of Reaſon and good Senſe, and by Maxims of *Civil*, *Social*, and Oeconomical Wiſdom; and not by the airy, whimſical and pernicious Notions of Haughtineſs and Luxury.

Yea, even they of the Military order, have ſuch of them, as were in a condition thro' having acquir'd beyond a naked ſubſiſtence during the War, readily ſubſcribed and paid in what they could, and would have done it more plentifully, had they receiv'd all their Arrears; and ſuch of that Tribe as were only *Subordinate-Officers*, or private *Centinels*, who are now reduc'd or disbanded, that could

not bring in *Gold* and *Silver* to the encreasing of the *Fund* and the augmenting of the *Capital*; yet they have with great forwardness offer'd their Bodies and their cold Iron to the Corporation and Company, for the protecting of their Traffick, and the defending of their Plantation against all such as shall become their Enemies and Assailants. And how dangerous soever Men of that *Predicament* may be to their Country, when kept in too great Numbers regimented at home; and how altogether useless they are unto it, while they bear Arms under Foreign Princes and States abroad; yet they are as capable as any other whatsoever of being serviceable and profitable thereunto, when employ'd in the Ways and Methods to which many of them have begun to betake themselves. Of whom it will be no presumption nor visionary Dream to add, That as they do account their Wages, Salaries, and Pay, to be their Estates; so they reckon their Swords and Musquets to be their Title unto it.

In brief, there are few Persons, Families, or Orders of Men, that are of any Consideration or Esteem, but who are become associated, united, and confederated, in this Project, Enterprise, and Design. How much distant or different soever Persons are, either in their *Religions* or their *Political* Principles, yet herein they do all of them amicably agree and combine: Neither the *Bigotry* of the *Presbyterians*, nor the resentments of those of the *Diocesan* Perswasion, for the unkind and ill treatment they have met with, do in this make any variance or discord between them; but herein the Wolf and the Lamb do tamely meet together, and the Leopard

pard and Kid do peaceably aſſemble as in one Field. Nor do thoſe great Animoſities, or late Hoſtilities, which have been between one another, about Rights and Claims to the Soveraign Authority, and the Royal Juriſdicton, occaſion any miſunderſtanding or oppoſite Sentiments in this, but both the *Jacobites* and the *Williamites* do ſhew themſelves equally and alike concern'd in the promoting of a National Trade, and the ſetling of a Foreign Colony. And, which is of very material conſideration, it deſerves to be obſerv'd, That beſides what ſeveral Perſons have in their private Capacities Subſcribed towards that Capital, not only moſt of all the *Corporations*, but the Royal *Burroughs* of the Kingdom, have become ſharers therein, and contributed liberally thereunto, out of their Public Revenues.

From all which I may, with great ſafety, as well as with decency and modeſty, venture to lay open and infer, how *Mortifying*, *Afflictive* and *Grievous* it will be to that whole Nation, to be *diſcourag'd* and *fruſtrated* of *Protection* from the *King*, of whom purſuant to the *Act* and *Patent* which he hath granted them, they expected to be countenanc'd, animated and defended. Nor dare they entertain ſuch diſreſpectful and undutiful thoughts of His *Majeſty*, as the *Proclamations* emitted by His *Governors* over the *Engliſh Weſt-India Plantations* might ſeem to give occaſion and umbrage for. Seeing as they have not, by their ſetling at *Darien*, invaded the *Territories* of any *European Prince* or *State* whatſoever, nor have been injurious to the *Natives*, in *Planting* there without their *allowance* and conſent, nor in any one particular or circumſtance, have

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have *exceeded* the *Limits* and *Regulations* preſcrib'd unto them by the *Act* of *Parliament*, and the *King's Charter*, as ſhall be fully and uncontroulably demonſtrated in what is to follow: So they have a more engraven and firm belief of His Majeſty's Mercy and Juſtice, than to give liberty unto themſelves to think, that His Majeſty's Subjects in the *Weſt-India Plantations*, depending upon, and ſubordinate to *England*, ſhould by an Order, Command, and Authority from the *King*, be *charged and required to hold no Correſpondence with the* Scots, *in their Colony at* Darien; *nor to give them any aſſiſtance with Arms, Ammunitions, Proviſions or any thing elſe whatſoever.* For as much as this is not only inconſiſtent with, and irreconcilable to his *Majeſty*'s Goodneſs, Wiſdom and Righteouſneſs; but directly repugnant to the expreſs Words, Terms and Clauſes of the forementioned *Statute*; by and wherein his Majeſty royally and ſolemnly promiſeth, *If any of the Ships, Goods, Merchandiza, Perſons, or other Effects whatſoever, belonging to the* Scots *Company, trading to* Africa *and the* Indies, *ſhall be ſtopt, detained, embezled, or taken away, or in any ſort prejudiced or damnified; that he will interpoſe his Authority to have Reſtitution, Reparation, and Satisfaction made for the damage done, and that upon the publick charge, which his Majeſty ſhall cauſe, diſburſe and lay out for that effect.* So that thro' what arts, and what means ſoever, theſe *Proclamations* are come to be emitted and publiſhed: Yet the *Scots* neither do, will, nor can entertain any other thoughts of his *Majeſty*, than that he will carefully and powerfully cover and protect them, inſtead of abandoning them to the rage and power of ſuch as may become their Ene-

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mies, without the giving them aid, ſuccour and aſſiſtance. And in place of giving room to any ſuch ſiniſtrous opinion, as if either his Majeſty could be indifferent, or meanly concerned, in countenancing of that *Nation* in an *Affair* of ſo great an importance, and that is ſo eminently ſubſervient to the proſperity and happineſs of that Kingdom, or become alienated and disinclined from upholding and defending them in the poſſeſſion of their Plantation of *Darien*, they are tempted to give credit to a paſſage in the *Paris Gazette* the firſt of *Auguſt*, 1699. Namely. *On avoit avis, qu'on envoye des ordres aux Comandants de toutes les Colonies Angloiſes de L' Amerique, d' aſſiſter l' Eſcoſſois d' Arien de tout leur pouvoir, comme eſtant ſujects du meſme maiſtre. That the King hath ſent Orders, to the Governours of the* English *Plantations in* America *to aſſiſt the* Scots *at* Darien, *with all their Power, they being no leſs his Subjects than they are.*

Nor can it be unmannerly or unlawful to add, that it is of the laſt danger to a Prince, to adminiſter cauſe and occaſion to a whole Kingdom, to grow eſtranged in their affections unto him, and to depart from their zeal for his ſervice. And it may with confidence be affirmed that his *Majeſty*'s treating the *Scots* in this manner, either unkindly, or unſuitably to the hopes wherewith they have fed themſelves, is like to have thoſe effects and operations upon the hearts and minds of moſt of that people. 'Tis abundantly diſcovered in Hiſtories how it hath often proved unlucky and of ill conſequence to Sovereigns, to have diſobliged and diſpleaſed the generality of a Nation, tho' but in a trifle, and that it hath been very fatal unto them, to

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diſcountenance and thwart their Subjects in that wherein they placed their ſecular Glory, and their temporal Happineſs. Nor have the Ties and Obligations upon the conſcience of *Subjects*, been at all times found ſufficiently powerful, to preſerve them in diſcharge of Duties of exact Fealty and Loyalty; but theſe bonds have been eaſily broken, and diſſolved, when ground hath been given, for the thinking and believing, that their worldly Intereſt hath not only been neglected, but oppoſed and ſacrificed. And it is in vain for a *Prince* to rely upon his Perſonal *merits*, or to truſt to his own *Conſcientiouſneſs*, of what he hath done in *delivering* a People from former diſtreſſes: Seeing theſe will be found to afford him a very weak and ſlender ſecurity, againſt the ungrateful and ill natured reſentments of a people, that ſhall account themſelves abandoned, or croſſed in what their preſent Genius, Humour and Biaſs, do univerſally, ſway, carry and determine them unto.

Nor is it credible that his Majeſty who is a Prince of great Wiſdom and Juſtice, would have order'd thoſe who Govern under him, and by his Authority, in the *Weſt-Indies*, to emitt and publiſh ſuch Proclamations, without his vouchſafing to have it told and repreſented to the perſon Conſtituted by himſelf, for his *Scots Secretary*, and who is Reſident at his Court under that Character; ſeeing as that would have imported ſuch a Contempt, as well as a Neglect, of his Kingdom of *Scotland*, that none without rendring themſelves Criminal, can conceive his Majeſty capable of being miſled into it, ſo it is ſufficiently obvious to all thinking men, what the

the *Scots Secretary* hath made himſelf obnoxious unto, if in caſe of his being made acquainted with it, he did not diſcharge the duty incumbent upon him by his *Poſt*, both towards his Majeſty in endeavouring to divert him from running into ſuch meaſures and in his informing thoſe of *Scotland* (to whom he will deſervedly find himſelf accountable,) with it, whoſe concern it was to have it prevented. Yea it is ſo inconſiſtent with all the rules of Prudence and Juſtice, as well as of Honour, that nothing in *Don Quixot*, or *Amadis de Gaule* can be more Romantick, than that his Majeſty ſhould ſome Months after the Orders muſt have been transmitted to the *Weſt-Indies*, for enjoyning and and authorizing the forementioned Proclamations, have Commanded the *Lord Preſident* of the *Seſſions*, and my *Lord Advocate* to come from *Scotland* and attend him at his Palace here, in order to ſatisfy him of the Legality of the *Scots* proceedure, had he been conſcious in himſelf, of having Empowred the Engliſh Secretary Mr. *Vernon*, to convey ſuch Inſtructions to the governing Magiſtrates in the Engliſh Plantations, as the Papers emitted there under the Title of *Proclamations*, would perſwade us they are warranted by and bottomed upon.

Nor in the caſe which I have now under conſideration, will the *Scots* reckon that their *Loyalty* to his *Majeſty*, and their *Zeal* for his Intereſt and Service, were either eſteemed or rewarded, as they flatter'd themſelves they ſhould have been: For their having not only furniſhed him, with ſo many and ſuch brave Troops, during the War, and for their preſerving (now meerly to pleaſe and gratify him) ſuch a Num-

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ber on Foot and in Pay, and that notwithſtanding both the Poverty of the Country, and the great Scarcity that for divers years it hath groaned under, when their Neighbours have not in proportion to their extent of Territories, and of their Opulency, thought fit to continue near the *Quota* of Forces, which they have done; but eſpecially becauſe of their having, ſo readily at firſt *Declared* him *their King*, when the bare delaying, and the demurring only unto it for a little time, would have gained them ſuch *Conceſſions* from the *People* of *England*, that would have made their looking after a *Plantation* of their own Needleſs, or at the leaſt have brought them into that *Conjunction*, with the *Engliſh Nation*, as would have engaged the whole ſtrength of that Powerful, and Wealthy Kingdom, for their defence and ſupport in the Colony, which they have begun to ſettle.

Nor can it be undecent or immodeſt to add, that the Protecting them in this undertaking, is the rather expected from his *Majeſty*, leaſt otherwiſe they ſhould have occaſion to complain of the Prejudice, they have received by the *Revolution*, with reſpect to their *Trade*, inſtead of reaping the advantages which they had thereby promiſed themſelves, in that as well as in other things. It being known to diverſe, that a propoſal and *Plan* having by ſome *Scots* men been laid before King *James*, for the obtaining his Authority, as well as his countenance, for their ſetling a *Commerce* in *Africa* and the *Indies*, how kindly he not only received it, but with what both goodneſs and readineſs, he referred the conſideration of it to my Lord *Middleton*, my Lord *Melford*, Mr.

Mr. *Penn* and Mr. *Berkley*, that upon their opinion of the Juſtice and Equity of it, (who were all known to be entire favourers thereof) He might by his Royal Charter and Patent, have empowered the *Scots*, to have proceeded in the Eſtabliſhing of it; and which nothing could have obſtructed, had not the Acceſſion of his Majeſty, who was then Prince of Orange, into *England* at that time intervened.

But to proceed unto that which doth in the courſe of Method, next offer it ſelf to be laid open and Diſcourſed of, namely the *Situation*, *Nature* and *Conveniency* of the *Place*, where the *Scots* have pitched their *Tents*, and are about eſtabliſhing there *Plantations*, which is called the *Iſthmus* of *Darien*, and is a Country very fit and proper for that purpoſe, as well becauſe of the *Richneſs* of the Soil, as by reaſon of its *Situation* for *Trade*. It is the Narroweſt part of *America*, and lieth between the *Northern* and *Southern*, or the *Atlantick* and *Pacifick Oceans*, and is Juſtly called an *Iſthmus*, as comprehending where it is broadeſt not above *two degrees*, (*viz.*) between eight and ten N. L. and where it is narroweſt about but *one degree*. And it is in all probability ſtiled the *Iſthmus* of *Darien*, from the great *River* of that name, where with the *Northern* coaſt is bounded to the *Eaſt*. For beyond that *River* on the *North ſide*, the land doth ſo ſpread to the *Eaſt* and the *North-Eaſt*, and on the *South ſide*, to the *South* and *South-Eaſt*, that it can no farther be called an *Iſthmus*: But as to the narroweſt part of this *American Iſthmus*, which as I have ſaid, doth not extend above *one degree*, upon which the *Scots* have *Setled* their *Colony*, and have appointed that the Coun-

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try shall hereafter be called *Calidonia*, and that *themselves*, *Successors* and *Associates*, shall be stiled by the *Title* of *Calidonians*: *Wafer* doth assign for its *Western limits*, from the Mouth of the River *Chagre*, where it falls into the *North Sea*, to the nearest part of the *South Sea Westward* of *Panama*; and for its *Eastern boundaries*, from point *Garachina*, or the *South* part of the *Gulph* of St. *Michael*, directly *Eastward*, to the forementioned *River Darien*: And all do know, that it is circumscribed, limited and bounded, on the *North* and *South*, by the two vast *Oceans* that are so *Denominated*. And as to the particular place, where the *Scots* have pitched their *Tents* and *raised Fortifications*, it is upon a *Harbour*, called by the *Spaniards Acla*, and by the *Natives Schocana*, and is one of the most *Defensible Ports* of the World, and is Situated about two Leagues from the *Golden Island*, called by the *Spaniards Guarda*, which as it is not further *Distanced* from the *South Sea*, than what any man may *Travel* in *two* or *three Days*, and which the *Natives* can do in *one*: So it lieth in a *Nearness* of *Eight* or *Nine Leagues*, both to the *River Darien* and *Conception*, upon which *Boats* may go to the *Southern Ocean*. And as the weather in the place, and on all hands where the *Scots* are setled is exceeding temperate, being much the same that is in other places of the *Torrid Zone* of that *Latitude*, but inclining rather, as *Wafer* says, to the wet extreme, the *Rains beginning* usually in *April* or *May*, and continuing more or less to the latter end of *August*, but with intermixtures even then of *fair* and *dry days* for a week together; So that the *Country*, is healthful beyond what was commonly

See Wafer's new Voyage and description of the Isthmus of America. p. 46.

monly believed, or could have been imagined unleſs experienced. And tho' the *Artificial* productions of the Diſtrict and Territory be *few* by reaſon of the ſloth and unskilfulneſs of the *Natives* to cultivate the Land, and to improve and fabrick what it yields, yet the ground is unconceivably *fertile* and *rich*, and might by being well *Manured* and *Agriculted*, afford both as great Variety and as great Plenty, for the comfort and pleaſure, as well as for the Neceſſities of Life, as any Land in whatſoever part of the World doth. However the *Natural Productions*, and what it ſpontaneouſly yields, as materials of, and commodities for Trade, and to enrich ſuch as are, or ſhall become engaged and Intereſſed in the Traffick, are divers and great, both in the variety of kinds, and in the Plenty and Quality of them. For beſides its being ſtored with all ſorts of *Wood*, proper for *Building* and *Wainſcotting*, and particularly with Cedar, it hath alſo abundance of *white wood*, fit for Cabinets, and *Interlaying*, and which is more than all the other, it is likewiſe plentifully furniſhed with *Logwood*, which the *Engliſh* do now cut upon the *Bay* of *Hunderos*, not without being expoſed to great hazard and danger; and (if credit may be given to reports,) it is provided of *Nicaragua wood*, which is a Commodity for *Dying* of that value, as to be reckoned to approach to the worth of *Cochenele*; and which is beyond all other productions whatſoever, It affordeth both *Silver* and *Gold Mines*, as well as large quantities of *Gold Duſt*, that is *gathered* out of the *Rivers*, after that it hath been *waſhed* from the *Mountains* by violent Rains. And then for the *Peo-*

ple, they are open, frank and good natured, and for many Leagues round in an entire Friendſhip with the *Scots*, having not only received them in a moſt obliging manner, at their firſt arrival into thoſe *American parts*, and their *Captains*, *Supreame Leaders*, or *Caiques*, who have neither dependance upon any other Prince or State, nor upon one another, ſave by Leagues for mutual defence, readily and with great chearfulneſs, conſented and agreed to permit the *Scots* to ſettle among them, and to become Inhabitants in their Country; but have by ſtipulations and contracts ſince, joyned in a Confederacy with them, for the defence of them and their Colony, againſt all ſuch as ſhall in time to come be their Enemies.

So that for *Situation*, *as the Councel conſtituted by the* Indian *and* African *Company of* Scotland, *for the Government and direction of their Colonies and ſettlements in the* Indies, *have publiſhed in their Declaration bearing date, at new* Edinburg *in* Calidonia December 28. 1698; it is a more convenient *Place* than any other in all *America*, *to be the Store-houſe of the unſearchable Treaſures of the ſpacious South Seas, the door of Commerce to* China *and* Japan, *and the Emporium and Staple for the Trade of both the* Indies. And as it is there that the *Scots* have ſettled a *Colony* and *Plantation*, by and with the conſent of the Natives; no *European Prince* or State being thereof poſſeſſed, or having right of claim thereunto; ſo they did not offer to enter upon that *Diſtrict* and *Territory*, without the having a particular and ſtrict regard unto, and conforming exactly with all the *Regulations*, *Proviſo's*, and *Limitations* laid down and preſcribed

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in the *Act* of *Parliament*, and in his Majeſty's *Patent*, and the having ſeriouſly Conſidered and duly Weighed, whatſoever could be pretended or alledged againſt them, upon their proceeding to eſtabliſh a *Colony* there. For the examination whereof, they allowed themſelves ſufficient time, in that tho' their Subſcriptions were perfected and compleated, about the beginning of the year 1696; yet they did not ſend their Ships from *Scotland*, untill the Month of *July* 1698, which arrived not in that place until *November* following.

And as it is not only hoped, but morally certain, that great advantages of attaining unto Wealth, Power and Honour, will thereby accrue and be adminiſtred to *Scotland*; ſo it might eaſily be Demonſtrated, that very conſiderable *Benefits*, will infallibly Redound from thence unto *England*, and that both in times of Peace and of War. Seeing as it will be a means, whereby in a ſhort time, a compendious *Way* and *Paſſage* for *Trade* to *China*, *Japan*, as well as to the *Eaſt-Indies*, may be obtained and rendred ſecure, whereby the *Engliſh*, will become qualified and enabled, not only to outdo the *French*, who begin to Rival them in Traffick to the latter, but to equal the *Dutch*, who do at preſent far exceed them in it: So by the conveniency of the *Scots Caledonian Plantation*, both a great quantity more of the *Manufactures* of that *Kingdom*, will come to be vented in all the *Eaſt parts* of the World, as well as in the *Spaniſh Weſt-Indian* Provinces, and the expence made leſs, and the returns much Speedier and Surer, to and from the latter, than they are, or ever can be, by the way of

Cadiz and *Malaga*. And as for the *Engliſh Plantations* in *America*, they will not only have larger and more advantageous occaſions, of Trading into the *Spaniſh American Colonies*; but the very *Scots* of the *Calidonian* Plantation, will will take off and conſume abundance of their Commodities and Productions, eſpecially theirs of *New York* and *New England*, for which they will pay in *Gold* and in *Silver*, and ſuch valuable Goods, as the *Mines*, *Rivers*, and *Land of Darien* do yield and furniſh. And ſhould a War at any time come to be between the *Kings* of *Great Britain* and of *Spain*, as who knoweth what may hereafter fall out, *Calidonia* is and will in that caſe be found, the beſt Situate place of any in the World, from whence and by means whereof, to do Hurt and Prejudice to the *Spaniards*, and to yield ſervice to his *Britannick* Majeſty, and give his Subjects opportunities of enriching themſelves. Seeing the *Scots Colony* there, will prove to be not only *Poſted*, in the middle and boſom of the *Spaniſh American Forts* for *Traffick*, having *Carthagena* on the *Eaſt*, *Porto Bello* on the *Weſt*, and *Panama* on the *South*; but will be found to ſtand *Situated* in the direct way and paſſage, that their *Flotas*, *Galleons*, *Armados* and *Armadilals* muſt go and return to and from *Mexico* and *Peru*. Nor on the ſuppoſition of ſuch a Hoſtility ariſing between theſe two Crowns, as I have mentioned, will the *Engliſh* meerly have a larger, better and more Fortified *Harbour* for Ships, either of War or Commerce, than any of their own *Weſt India Plantations* do afford; But they will have one to Receive, Cover and Protect them, that is nearer and more adjacent by a hundred

hundred Leagues to *Porto Bello* and *Panama*, than *Jamaica*; and by above *three hundred* than *Barbadoes*, which of all the *Engliſh American Colonies*, are the leaſt diſtanced from them. But ſeeing I ſhall have occaſion to diſcourſe more fully hereafter, of the benefits and advantages, which will accrue to the Crown and Kingdom of *England*, by the *Scots* having ſettled in *Darien*, and how much upon that account, it is both the Intereſt of the *King*, and of the *Engliſh* Nation, that they ſhould be maintained and defended in the poſſeſſion of their Plantation at *Calidonia*; I ſhall therefore inſiſt no more upon it under this *Head*, but adjourn what is to be further repreſented, and argued to the foregoing purpoſe, until it will lie more naturally before me in ſome other Paragraph.

That which I am then in the next place to advance unto, is to Juſtifie and Prove beyond all poſſibility of any reaſonable Reply, that the *Scots*, by their eſtabliſhing a *Colony* on the *Iſthmus* of *Darien*, have made no *Invaſion*, upon the *Rights* or *Dominions*, and *Territories* of the *King* of *Spain*, nor have therein *Acted* contrary either to the Laws of *Nations*, or to any *Articles* of *publick Treaties*, that have intervened, or have been Conſerted, Accorded and Stipulated, between the *Kings* of *Great Britain*, and thoſe of *Spain*? 'Tis true his *Spaniſh Majeſty*, hath by ſeveral *Memorials* delivered by his Miniſters to his *Britannick Majeſty*, or to his *Secretaries* of State, repreſented, remonſtrated and complained, as if the *Scots*, had thereby made an *Infraction* of the *Peace*, between the *Crowns*, were become guilty of an Inſult, and Attempt againſt

his *Catholick* Majeſty, and that by ſettling a Plantation in that place, they have poſted themſelves, *dans les Souverains, & le plus Interieur de ces Domaines de ſa Majeſte, In the Soveraign and moſt Inward Territories of and belonging to his Spaniſh Majeſty.* And as in caſe that the matter ſtood as it is repreſented, and as the complaint doth import, the blame thereof, ought to be wholly and entirely imputed unto and charged upon the *Governours* and *Directors* of the *Company* erected for *Trading* to *Africa* and the *Indies*, and no ways either in the Injury that is done, or in the clamours and accuſations which ariſe by and from it, to affect his *Britannick* Majeſty in his Juſtice, Veracity and Honour; ſo it would be both requiſite and neceſſary, on the foot of Righteouſneſs, as well as of Truth, that full reparation ſhould be made to his *Catholick* Majeſty, if the *Fact* of the *Scots*, in planting on the *Iſthmus* of *Darien*, were diſagreable to Royal and National *Treaties*, and a forceable ſeiſure, in times of Amity and Peace of the *Lands* and *Demains* of that *King*. Yet I hope, it will not be accounted Rudeneſs or Inſolence, in me to ſay, that it is both expected and demanded, that none will diſcover and betray themſelves, to be perſons of ſo little Prudence or Equity, as upon the ſingle credit, and alone evidence of *Memorials* to ſubmit unto, and to ſuffer, their being either ſurpriſed, or wheedled, or menaced and hectored into a belief, that the ſettling the aforeſaid Colony, in the *place* above-mentioned, is therefore Injurious and Criminal in the *Scots*, and to be reckoned an Invaſion upon the Sovereign Rights, and the Lawful Dominions of the *King* of

Spain,

Spain; meerly becauſe it is alledged and affirmed by his Miniſters and in his name to be ſo.

And I do reckon my ſelf fully warranted, in the requiring and exacting this of every man, who deſires to eſcape the cenſure and reproach of being Imprudent, Partial, and Iniquous; in that it hath very often, and upon frequent occaſions, been the cuſtom and practice of States, Princes and Potentates, to remonſtrate and complain of the proceedings of other Rulers, Governours and Soveraigns, and of their ſeveral and reſpective Subjects; when all that hath been offered, attempted and done by thoſe who have been thus applyed and addreſſed unto, and complained of, hath been Lawful, Friendly, Honourable and Juſt, and only accounted inconvenient at the Seaſon, or held to adminiſter ground of Jealouſie and Fear, that it might in the future, be prejudicial unto ſuch who were the Complainants and Remonſtrants. And as no Potentate or Court in the World, hath oftener and more clamorouſly, betook themſelves unto this Method, than they of *Spain* have done, in reference unto, and behalf of what they unreaſonably challenge, and would have others be ſo weak, as to allow them a Right unto the *Weſt-Indies*; ſo they have commonly, in the iſſue and event been made to underſtand, that they had no Pleadable, Valuable and Juſtifiable reaſons, grounds or cauſes, for their Remonſtrances and Complaints. Whereof as the Hiſtories of all Nations, are full of Examples, and Inſtances, ſo our own are not barren and unprovided of them. Unto which as I ſhall confine my ſelf, on the motive of the Brevity,

that this diſcourſe is deſigned to be of; ſo I ſhall only aſſign a few out of the many that might be enumerated. Whereof, the firſt ſhall be, the Behaviour and Anſwer of *Queen Elizabeth*, during the time of Amity with *Spain*, and before there was any rupture, between her and *Philip* the *Second*, upon a complaint againſt one *Captain Parker*, made unto her by the *Spaniſh Miniſter*, who reſided at her Court, under a publick Character; which I do the rather mention, becauſe it relates to ſomething that fell out at *Darien*, where the *Scots* having taken the freedom to ſettle, and to eſtabliſh a Plantation, is made the ground of the *Memorials* preſented lately to his *Majeſty* by the *Spaniſh* Ambaſſador, in the name of the *Catholick King*: For Captain *Parker* having in the year 1565, Sailed from *England* to *Darien*, and begun to manage a profitable *Trade* with the Natives, the *Spaniards*, who have been always Jealous of, and offended at any other Europeans coming into, and Trafficking in thoſe parts of *America*, came with Armed Ships againſt him, and after having threatned, to make prize of him, and thoſe that were with him, unleſs he would immediately depart, upon his refuſal to do ſo, they attempted it. But *Parker* being a gallant man, and being likewiſe aſſiſted by the Natives, he not only beat the *Spaniards* that aſſaulted him, and took one of their *Ships*, but alſo plundred a place called *Caſtel Dolora*, for all which he was both commended and juſtified by the *Queen*, notwithſtanding the Complaints and *Remonſtrances* of the *King* of *Spain*, by his Ambaſſador.

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Whereunto may be added, that famous and remarkable tranſaction, much about the ſame Seaſon, between *Queen Elizabeth* and *Philip* the *Second*, in relation to Captain *Drake*, who having in a time of Peace, betwixt the two Crowns, been ſeiſed by the *Spaniards*, for *Trading* in the *Bay* of *Mexico*, and who thereupon, having been allowed by her *Majeſty*, to make himſelf reparation and ſatisfaction, for the Wrong and Diſhonour done to her, as well as for the Loſs and Injury, which he had Suſtained, ſailed to *Boco Fero*, where being ſhewed the *South Sea*, and alſo aſſiſted by the Native *Indians*, who had War with the *Spaniards*, he took and plundred ſome rich *Spaniſh* Veſſels, at St. *Lazarus de Chagra*. Of which *Bernardine de Mendoza*, who was then *Spaniſh* Ambaſſador at the Court of *England*, having by a *Memorial* which he preſented to the *Queen*, complained as a great Act of Depredation, committed by *Drake* upon the *Spaniards* in the Weſt Indies, and thereupon demanded reparation of the Loſs and Damage, which his Maſters Subjects had thereby undergone, he was anſwered by the *Queen* almoſt in the very terms, and directly to the purpoſe following. Namely, *That as the* Spaniards *had drawn theſe Inconveniencies and Miſchiefs upon themſelves, by their ſevere and unjuſt dealing with the* Engliſh *in their* American *Commerce, and their Trade there with the Natives, ſo ſhe did not underſtand, why either her Subjects, or thoſe of any other* European *Princes, ſhould be debarred from Traffick in the Indies. Unto which as ſhe did not acknowledge the* Spaniards *to have any title by the donation of the Biſhop of* Rome; *ſo ſhe knew no right they had to any places there, beſides thoſe that*

See Camden's Elizabeth *lib.* 2. *p.* 255. An. Dom. 1565.

that they were in actual poſſeſſion of; Seeing their having touched only here and there upon thoſe coaſts, given names to Rivers, or Capes, and poſſibly built a few Cottages, were ſuch inſignificant things, as could no ways entitle them to a Propriety, further than they were actually ſettled, and continued to inhabit. And therefore, that as all their claim unto other Parts, Places and Countries in the Weſt Indies, *was only Imaginary and Chimerical; ſo it was thereupon Free, for other Princes and States, and their reſpective Subjects, without the leaſt Breach, or Violation of the Laws of Nations, both to Trade and Tranſplant Colonies, into all ſuch* American *Diſtricts and Territories, where the* Spaniards *did not inhabit. And that as all pretence to a right to any Country there, otherwiſe than as they were poſſeſſed of it, is nothing but a vain and unjuſt Uſurpation, which makes no foundation, nor gives any right by and according to the laws of Nations, for a limited and reſtrained claim, in and over thoſe Countries; ſo it is as lawful for any other Nation, as it is for* Spain, *to Navigate that vaſt Ocean, without being inhibited, obſtructed, or therein Diſturbed; in that the uſe of the Sea and Air is common unto all and every people whatſoever, neither Nature nor cuſtom having given or allowed, poſſeſſion or Propriety thereof, to any one particular Country of the World, Preclusive of others.*

But tho' this that I have here reported may very reaſonably be counted enough to have been ſaid under this *head*, as being ſo full, as well as pertinent, for ſhewing how little reaſon and cauſe there may often be, of Judging haſtily, concluſively and prejudically of the proceedings and Facts of the Subjects of any State, or Soveraign, meerly becauſe of *complaints* exhibited

ted in *Memorials* by the *Ambaſſadours* of other *Princes*, ſtiling and repreſenting what hath been done by them, under the Characters of being violatious of the Laws of Nations, Invaſions upon the Territories and Jurisdictions of Potentates, and Infractions of publick Treaties and Alliances; yet I ſhall not reckon it either ſuperfluous or impertinent, nor will the reader I hope think it tedious, to have one Inſtance more ſubjoyned, that was of a parallel nature, and to the ſame purpoſe and upon the ſame occaſion: which as it referreth to a *Memorial* of the ſame importance and kind, with thoſe that have been preſented lately to his *Majeſty*; ſo it was one delivered into a *King* of *great Britain* by an *Ambaſſadour* of *Spain* in the name and in obedience to the Command of his *Maſter*. Whereof the Story in brief is this: Namely that in the year 1629. being after a Rupture, and during the time of a War, between the Crown of *Great Britain*, and of *Spain*, divers of the Engliſh Nation, finding the *Iſlands* of *Cateline* and *Tortuga* unpoſſeſſed and empty of Inhabitants, did thereupon ſeize and begin to plant Colonies, on them, giving to the former the name of the *Iſland* of *Providence*, and to the latter the name of the *Iſland* of *Aſſociation*. And which they continuing to inhabit, and occupy after the eſtabliſhment, of the Peace betwixt his *Britannick Majeſty*, and the *Catholick King*, *Anno* 1630. the Spaniards became thereat offended, not only becauſe of its being an extending, and an enlargement of Engliſh Settlements in *America*, but by reaſon of the nearneſs of thoſe *Iſlands* to the *Spaniſh Weſt-India Colonies*, particularly to thoſe of *Cuba* and *Hiſpaniola*, and accordingly

ly complained thereof to King *Charles* the First, by their Ambassador; who tho' he was a Prince both of those Morals and Politicks, that he would not countenance, the least thing that was unjust, and Illegal towards and against any, and much less in relation to Soveraigns and Potentates, with whom he was in Leagues, and Alliances, nevertheless he gave in Answer to the said Complaint, that his *Subjects* having found those *Islands*, both unpossessed by the Spaniards, and uninhabited by any other people whatsoever, had thereupon by the Laws of Nature as well as of Nations, a Liberty and Right to sit down and to plant there. And that they ought not to be therein Obstructed or hindred, either because of Jealousies, which the Spaniards might entertain, on the foot of those Islands being so adjacent to their Territories, or by reason of any apprehensions they might have, that *English* Colonies there, would prove afterwards inconvenient, and prejudicial unto them. In which Answer the *Spaniards* were so far forced to acquiesce at that time, as not to reckon that Fact of his *Britannick* Majesty's Subjects to be any Infraction of Alliances, or a Rupture of the Peace. Tho' I must withall add, that upon the arising of misunderstandings between King *Charles* the *First* and his *People* of *England*, and upon his Subjects of *Scotland* running into Rebellion, the *Spaniards* made those advantages, of our quarrelling here at home among our selves, as to assault the English in both the forementioned *Islands*, and were therein so successful, as first to drive them out of *Tortuga*, *Anno* 1634. and afterwards out of *Caveline* *Anno* 1640.

Vid. Scriptum Cromweli, in quo Reipubl. Angliæ causa contra Hispanos justa esse demonstratur: Edit. Lond. 1655.

In

In the attempt whereof as they acted againſt all the meaſures of Law and Juſtice, and to the higheſt degrees of cruelty and barbarity in the execution of it, ſo it is too well known upon whom both the blame and Infamy are to be charged, that thoſe Invaſions of the Spaniards upon the Rights, Properties and Poſſeſſions of the *Engliſh*, were not Revenged as they deſerved, and as they undoubtedly would have been, had not King *Charles* been diverted and hinder'd from it, by the unhappy differences, which ſprung up between him and his People.

Having then done, what I hope will be judged ſufficient to obviate and prevent all miſconſtructions and ſiniſtrous thoughts, which might otherwiſe have riſen in the minds of any, by reaſon of the late *Memorial* preſented to his *Majeſty*, I do reckon, that I have thereby paved my way, towards an examination of the *Fact* of the *Scots Company*, in their ſetling at *Darien*, whether it ought to be accounted illegal, and unjuſt, contrary to the *Laws* of *Nature* and of *Nations*, and to interfer with ſolemn Regal *Stipulations?* or whether it may be eſteemed Lawful, Righteous and Agreeable to all the rules and meaſures of Wiſdom, Amity and Juſtice? as that I may now apply and addreſs my ſelf directly and cloſely to it, without finding the forementioned *Remonſtrances*, to remain an Impediment and obſtruction in my way. And as an Introduction thereunto, I cannot but both acknowledge and commend, the Fair, Honourable and Friendly proceedure of the *Catholick King*, in that he hath by *Memorials*, given in to his *Britannick Majeſty*, choſen to aſſert his pre-

pretenſions and rights in an Amicable way, and ſo affords an opportunity, that the whole World may be ſatisfied, on the Foot and *Topicks* of Reaſon, Cuſtom and Law, that neither the *Act* and *Patent*, which the *King* of *Great Britain*, hath *granted* to his *Subjects* in *Scotland*, are any ways either diſagreeable to *Treaties* with *Spain*, or diſſonant from the received Maxims of Equity and Juſtice, by which States and Princes do govern themſelves, in their Publick and Political actions towards one and other; Nor that the *Scots Company*, have either exceeded the limits preſcribed unto them, in the *Statute* and *Charter*, by which they are authorized to Trade to *Africa* and the *Indies*, and to eſtabliſh Colonies and Plantations there, or that they have done any thing *prejudicial* unto and *Invaſive* upon the *Rights* of *Spain*. For hereby inſtead of putting the deciſion of this great and important affair, upon the Strength Power and Succeſs of Arms, and the verdict that ſhould reſult from Hoſtility and War; it is placed on the amicable foundation of Reaſon, Alliances and Laws, and made adjudgeable in the Cabinets, and at the Councel Boards of Princes, and not immediately referred to a determination, by Fleets and Armies on the *Ocean* and Continent. And therefore that this matter, may be ſet and repreſented in the beſt and cleareſt light, for an amicable adjuſtment, and compoſure of it, between his *Brittanick Majeſty* and the *King* of *Spain*, I ſhall in order thereunto, propoſe and lay down, ſome things in the way of ſo many *Premiſes*, which which ſhall carry that intrinſick certainty and evidence in them, as to reſemble and be of the

the Nature of *Poſtulata* in *Mathematicks*, and which ſhall be found as undeniable principles, in a diſcourſe that is relative unto, and concerning right of property in a Country, as the other are acknowledged by all men to be in Geometry.

Whereof the *firſt* is this, namely, that the Original, moſt Ancient, and that which is by all *Civilians*, confeſſed to be the ground and foundation, of the uncontrovertible *Title* and *Right* of any people, to this or that *Country*, is their having been the *Primitive Occupiers* and *Poſſeſſors* of it. *Quod enim eſt Nullius, per occupationem acquiritur ejus Dominium*, ſay all Civilians. For while the greateſt, or any *part* of the *World*, lay wholly *Void* and *Uninhabited*, and for the Occupation whereof, no formal Diviſion had intervened, and been agreed upon, by thoſe who emitted Colonies for the poſſeſſing and planting ſuch and ſuch parts of the Earth, aſſigning to every one of thoſe Colonies, there ſeveral and reſpective partitions and diſtricts; in that caſe the right of *Title* unto, and of *Property* in ſuch a Country, and place became, *primi poſſidentis, his or theirs who were the firſt occupiers thereof.* 'Tis taken for a dictate of Nature, and is that which the Univerſal reaſon of Mankind conducted them unto, in the firſt and ſeparated diviſion, which was made of this habitable World, ſo far as it was void and uninhabited, *Ut quod quisque occupaſſet, id proprium haberet, That whatſoever any came actually to poſſeſs and occupy, thereof they ſhould be acknowledged to have the propriety.* And as *Cicero* long before our late *Civilians* expreſſed it, *Quod cuique obtigit, id quiſque teneat, Whereſoever any mans Lot falls*

Puffend. de Jur. Nat. & *Gent. lib.* 4. *cap.* 7. Grot de. Jur. Bel. & Pac. lib. 2. cap. 2. §. 2. de Offic. 3.

falls to be the first possessor, that he hath a Legal claim thereunto. Which possession or occupation as they are not accounted to stand acquired by any meer act of the *Mind*, whether in way of wish or purpose of settlement in such a place, but they are only obtained in and by a *Bodily Act*, that is *quasi positio pedis a placing and fixing there foot upon it*; So no bare transient and vagrant passage, thro' an empty and uninhabited Country without setling their abode, and continuing to reside in it, was ever held sufficient by any *Civilian* for the giving unto those *Itinerant passengers* a claim of *Property* and *Inheritance* there. For as *Grotius* says *Desultoria possessio nihil efficit*, An occasional touching at a place without settling and continuing to inhabit giveth no right thereunto in Law. And as *Puffendorf* speaks to the same purpose, *Occupasse tum demum rem aliquam dicimur quando possessionem ejus adprehendimus: ita ut occupatio rerum mobilium fiat manibus, soli pedibus; vidisse autem tantum, aut scire ubi quid sit, nondum ad possessionem sufficere judicatur.*

De jure Nat. & Gent. lib. 4. cap. 6. §. 8.

Whereunto may be added in the second place, That the *Spaniards* did not find those Countries, Kingdoms, Isles and Provinces, whereof they are either possessed, and confessed by all to be so, or those unto which they pretend a right, tho' it be not acknowledg'd by others, *void* and *empty* of *People*, and *uninhabited*; but that when they came thither and arriv'd there, they found them actually possess'd by a large and numerous *People* that had no knowledge of, nor dependance upon *Spain*, nor had deriv'd either their own *Original*, or their *Title* to occupy and inherit those spacious and vast *American Territories* from the

the *Spaniard*; ſo that whatſoever *Title* or *Property* the *Spaniards* are come to have unto, and over thoſe *Dominions*, it muſt be deriv'd either from the *Donation* of the *Pope*, or acquir'd by a Conqueſt of thoſe, who were the previous and ancient *Proprietors*; or it muſt be obtain'd by a grant from the *Natives*, in the vertue whereof the *Spaniards* have a right transferr'd unto them, and are with and by the conſent of the *Indians*, made the rightful and univerſal *Proprietors* of all thoſe Countries.

And as to their *Claim* by the *Pope's Donation*, the very mentioning, and much more the pleading of it, is a ridiculing, as well as bantring of Mankind; ſeeing even on the ſuppoſal, that the *Roman Pontiff's* ſhould be acknowledg'd the Succeſſors of St. *Peter*, which as no Proteſtants are forward to believe or confeſs, ſo they have never hitherto found, nor do they think they ever ſhall find the *Pontificians* able to prove it: Yet this would inveſt them with no right of diſpoſing the Kingdoms of the World as they pleaſe, and unto whom they will. For *Peter* being cloathed with no ſuch Power himſelf, nor having ever pretended to exert ſuch a *Juriſdictive Authority*, as ſome *Popes* have had the Vanity and Pride to do, how could he convey it unto, and entail it upon others, under the quality and character of being his Succeſſors? Yea our Lord *JESUS Chriſt* was ſo far from exerciſing a *Power* and *Authority* of diveſting Princes of their Soveraignties, Principalities and Dominions, tho' all of them were then groſs *Idolaters*, that he would not be prevail'd upon to *divide* an *Inheritance* between two Brethren, when deſir'd by one of them to do it. But as

he made it the duty of all those who should believe in him, and embrace the Christian Faith, to be conscientious and exact in yielding Obedience to all the Laws and Commands of Civil Rulers and Magistrates, whether they should be Heathen or Christians, provided that those Laws and Injunctions were not inconsistent with, and repugnant to the Laws of God: So he was *Himself* contented to *Pay Tribute* to *Tiberius Cesar*, who was both an *Idolater* and a *Tyrant*. Nay, so far are the *Bishops* of *Rome* from having any Jurisdiction in the quality of St. *Peter*'s *Successors*, over the Dominions of any Prince and Potentates whatsoever, That all the right which they have to their own Temporal and Secular Possessions, even to that which is vulgarly call'd the *Patrimony* of St. *Peter*, is by and from the Concession and Grants of Potentates, Kings, and Civil Rulers (among whom I wou'd not be thought to place *Constantine*, whose pretended *Donation* is a meer *Fiction* and *Chimera*, but some that were later than he) who were more Liberal and Beneficent, than they were Prudent and Wise. Moreover, tho' the *Spaniards* have had sometimes, the weakness as well as the vanity to *Claim a right* to the *whole West-Indies*, thro' and by vertue of the Donation of Pope *Alexander* VI. in his *Bulls* Dated 2d and 3d of *May*, *Anno* 1493, yet the very *Spanish Historians* do assure us, that *Ferdinand* and *Isabella* who were King and Queen of *Castile*, when *Columbus* made the first discovery of the *West-Indies* in the year 1492, having consulted with those who were esteemed the most Learned in the Civil and Canon Laws, *thought it needless to use any such Formality as to desire a Grant and Donation*

See Herrera's *Hist. of the* West-Indies. *Dec. Lib.* 1. 2. *Cap* 4.

tion of thoſe Countries from the Pope; and that the *Bulls* of *Alexander* VI. were obtain'd, or rather accepted upon ſome particular Conſiderations.

Nor have divers Nations, and thoſe Roman Catholicks, as well as Reformed, made the leaſt ſcruple of ſailing unto, and ſettling in the Regions and Countries of *America*, notwithſtanding the *Pope's Bulls*, by which they are ſaid to have been granted to the Kings of *Spain*.. Seeing beſides what hath been done by divers Princes and States during this whole preſent Century, and a good part of the former, whereof I ſhall here make little or no mention (it being notoriouſly and fully known, not only to every Stateſman, Scholar, Merchant, Shopkeeper and Artificer, but to thoſe who are the meaneſt Boors, Peaſants, and the ignoranteſt part of Mankind) there were divers attempts and endeavours made by others Trading to *America* immediately and ſoon after the emiſſion of thoſe *Bulls*, upon which ſome would found the *Spaniard's* having a right and claim, and legitimate Title to thoſe Dominions. For no longer than three years after the pretended *Donation* of all the *American Territories* to *Ferdinand* and *Iſabella*, *King* and *Queen* of *Caſtile* by *Alexander* VI. did *Henry* VII. of *England* (tho' a zealous Roman Catholick, and one who by reaſon of his Domeſtick Troubles ſtood in great need of the Favour of the See of *Rome*, and who no leſs courted it) Equip and ſet forth in the Year 1496, four Ships under the Command of Sir *John*, and Sir *Sebaſtian Cabet* of *Briſtol*, to diſcover, enter upon, and take poſſeſſion of any place or places of the *Weſt-Indies*, that were not in the actual poſſeſſion

of the *Spaniards*, which by his Authority and in his Name they did from 25 to 26 Degrees of the Northern Latitude; and in two Voyages which they made to the *West-Indies*, they both eſtabliſh'd a Friendſhip and Trade with the *Natives* of *Florida*, *Long-Iſland*, and of divers places of thoſe *American* Countries. And tho' *Henry* VIII. who ſucceeded him (thro' his being employ'd in Wars with *France* and *Scotland*, and taken up about important affairs at home) could not extend his Empire in the *West-Indies*; nevertheleſs there were, even in his Reign, divers private Perſons that voluntarily engag'd in the making diſcoveries and ſettling Trade in *America*: And among others whom we do find equip'd and ſent forth upon this Deſign, were *Edward Spurſtow*, in the 5th and 9th Years of *Henry* VIII. and *Robert Warner* in the 12th of the ſame Reign, who made rich Voyages thither, and were kindly entertain'd by the *Natives*. And which is of affinity hereunto, and extremely pertinent, for ſhewing the inſignificancy of the foremention'd *Bulls* to the eſtabliſhing any right in the *Spaniards* to any other *Parts* of *America* than they are actually in poſſeſſion of; it deſerveth to be obſerv'd, how that *Veſpuſius* a *Florentine* by order of *Emanuel* King of *Portugal*, did in the Year 1500, diſcover all *Braſile*, which makes a large part of the *American* Continent, and that the *Portugueſe* aſſerted their right unto it, and preſerv'd a liberty of Trading thither, notwithſtanding all that was objected to the contrary by *Ferdinand* and *Iſabella* of *Caſtile*. Whereunto ſhould I add what hath been done ſince, and that not only by the *Engliſh* under *Queen Elizabeth*, and King *James*, *Charles*

Charles I. and II. but by the *French* and *Dutch*, and by divers other Nations and States, which have all traded to and ſettled ſeveral Colonies both upon the *Terra firma* and the Iſlands of *America*, notwithſtanding either the *Popes Bulls* of Donation of thoſe Countries, and Iſlands to the *Spaniards*, or their pretenſions unto them, by any other Right or Title whatſoever; it would evidently and unanſwerably appear, that their *Claim* to the *Weſt-Indies* was never further allowed and admitted by any *European Potentates* and *Rulers*, than in reference to thoſe Places and Territories of which they were become actually poſſeſs'd. Yea the *Pope*'s grant of the *Weſt-Indies* to the *Caſtilians*, having been in order to the propagation of the Chriſtian Faith among thoſe Infidels, The See of *Rome* challenging no Power or Authority to diſpoſe of Earthly Dominions, ſave in relation thereunto, and neither for deſtroying the Natives or uſurping their Territories, it naturally follows that the *Spaniards* having acted ſo directly contrary to all this, both in Maſſacring above *Forty Millions* of the *Indians*, and in the encouraging them in their Heatheniſh Idolatry, thro' ſelling their *Idols* unto them for Money, after the *Indians* had thrown them away, rather than in ſeeking and promoting their Converſion to the Chriſtian Religion, can pretend no claim of right and title to thoſe Countries and Dominions by the *Pope*'s *Bulls*, but as *De las Caſas* expreſſeth it, *All their Conqueſts are to be accounted Unjuſt, Tyrannical and Null.*

See De las Caſas *Account of the firſt Voyager*, Engl. *Edit.* 1699 *p.* 184.

Idem ib. *p.* 147. *prop.* 26.

'Tis true that the *Spaniards* have at all times been diſpleas'd with, and oppoſite unto the Settlement of any Nations in *America* beſides themſelves:

ſelves; but the many rich Colonies, ſuch as *Virginia*, *Barbadoes*, *Bermudos*, *New England*, *New York*, *Carolina*, *Penſilvania*, *Jamaica*, &c. which the *Engliſh* have there, beſides what places are poſſeſs'd by others, eſpecially by the *French* and *Dutch* in that part of the World, do abundantly ſhew, that all Nations do account the *Claim* of the *Spaniards* to the whole *Weſt-Indies* to be no better than a weak, vain and chimerical Imagination, and that the *Popes Bulls* by which it is alledged that they are entituled thereunto, are no otherwiſe eſteemed by *European Princes and States*, than as a Jeſt and Banter.

Nor, Finally, have the *Spaniards* themſelves paid that reſpect to the *Bulls* of *Alexander* VI. which they ſhould, and certainly would have done, had they taken their right to the *American* Iſlands and Dominions to be deriv'd from them: Seeing whereas the ſame *Pope* had in and by theſe very *Bulls*, not only confirmed unto the *Portugueſe* their title to ſuch places, as they were not only poſſeſs'd of in the *Eaſt-Indies*, but to all other whatſoever in that *Eaſtern quarter* of the *World*, for the Occupying and Inheriting whereof they had formerly obtain'd *Bulls* of other *Popes*, and particularly of *Eugenius* IV. excluding all others from trading thither, yet notwithſtanding of this, they of *Caſtile* laid Claim to the *Moluccao Iſlands*, to which *Ferdinand Magelanus* had found a paſſage by the South-Weſt of *America*, and continu'd to aſſert and defend their Pretenſions to them, until *John* King of *Portugal*, by lending the *Emperor Charles* V. 350000 Ducats, upon condition, that He and his Heirs ſhould forbear trading to the *Molucca's* till the Money were repaid; they declin'd

clin'd the maintaining their Title to thoſe Iſlands, and laid aſide their trading to them.

Nor is it unworthy of remark, as well for the chicane as the pleaſantry, and divertiſement of it, that the *Pope* having divided the new World into two *Hemiſpheres*, allotting the *Weſtern* to the *Spaniards*, and the *Eaſtern* to the *Portugueſe*, how that they coming to diſagree about their *reſpective Shares*, each of them laying claim (as I have ſaid before) to the *Molucca Iſlands*, as falling by that diviſion within their Portion, and the deciſion of the caſe, ſeeming to depend upon Mathematical Calculations, about which the men of skill in *Geography*, being conſulted on both ſides, the *Spaniards* and *Portugueſe* did in reference thereunto, differ from one another almoſt *Forty degrees*, in their fixing of the *Longitude*, and ſo dogmatical and obſtinate were both in their accounts, that orders were given by publick Edicts, for fixing the *Degrees* and *Meridians*, in their ſeveral *Charts* and *Maps*, as they had been differently determined by the two Nations.

Finally that which ſtill ſhews a further ſlight put upon thoſe *Bulls*, by the very *Spaniards* themſelves is this, namely, that no ſooner had *Americus Veſpuſius* diſcover'd the *South Sea*, and found ſtore of Excellent Timber, for building of Ships, near to an excellent Port, that was but one league diſtant from that Sea, and which *Veſpuſius* called *Ralio*, then that having immediately built two Ships there, he ſailed from thence to the Northern parts of the *Eaſt Indies*, and begun in the Reign of *Charles* the 5th. to ſettle a *Colony* there upon one of thoſe *Iſlands*, which afterwards

See Mariana's *hiſt. of* Spain *lib* 26. *cap.* 2. *and* Herrera's *hiſt. of the* Weſt Indies *dec.* 2d. *lib.* 6. *a capite* 3. *ad cap.* 9.

upon the perfecting of that Plantation in the time of *Philip* the 2*d*. came to be called the *Philippine Iſlands*, where to this day they have a *Colony*, and keep poſſeſſion of them in ſcorn and contempt of the *Pope's Bulls*, by which all the *Eaſt-Indies* were granted to the Portugueſe.

The *Third* and laſt thing that I would *premiſe* upon this occaſion, and in order to the clearer determination of the point in diſpute, is, that whatſoever right of propriety, and dominion the *Spaniards* may *have*, by the Title and upon the foot of Conqueſt acquired in and over the *Empires* of *Mexico* and *Peru*, and ſuch *Countries* and *Provinces*, that were *dependent* upon, *Subject* and *Tributary* unto thoſe two *Empires*, yet they cannot thereby have *obtained* any *Juriſdiction Title* or *Claim* of poſſeſſion over, in, and to thoſe *regions*, *diſtricts* and *places* of *America* which as they have never *Subdued*, ſo they of thoſe places were not nor at any time had been in *Vaſſallage* or *Subjection* to the *Monarchs* and *Soveraign Rulers* of either of thoſe *Empires*. I could very juſtly have laid down the *Poſtulatum*, and propoſitiou more at large, and at the ſame time been able to juſtify it both by *Reaſon* and *Authority*, and to have proved and made it good, as well by *Artificial* as *Inartificial Arguments*: namely that whatſoever *Legal right*, the *Spaniards* may have acquired to thoſe *Lands* and *Territories* in *America* of which they are poſſeſſed, by the *claim* and upon the foot of *preſcription* thro' their having Inhabited, occupied and inherited them for above 200 years, without interruption, diſſeiſure, or diſpoſſeſſion; yet they never *obtained* a Lawful and righteous *Title* unto, or a Legal Juriſdiction over them, upon the *baſis* and *foundation* of having Conquered the

Mexi-

Mexican and *Peruvian Emperors* and *Empires* in and by a Juſt *War*, but that they rather ſubdued, and deſtroyed thoſe *Monarchs*, and *Poſſeſſed* themſelves of their *Dominions*, by Fraud, Violence and Uſurpation. Now *Puffendorf* tells us, and that agreeably to the opinion of all *Civilians*, that *per ſolam vim injuſtam, non poſſe alicui Solidum Jus quæri, & cui exadverſum, obligatio conſcientiam ſtringens reſpondeat, niſi vitium acquiſitionis purgatum fuerit per accidentem poſt novam cauſam quæ per ſe jus parere idonea eſt.* No right is acquired, or doth ariſe or accrue to any, by the alone and ſingle means of unjuſt Violence and Force; nor do a People become obliged and bound in conſcience to pay Fealty, and Allegiance, and to yield Obedience to ſuch, as have Unrighteouſly and without Cauſe, or Provocation, Overpowered and Maſter'd them, unleſs and until ſomething elſe doth interpoſe and intervene, that may create and give a Title, and right of Domination, Rule and Authority unto the *Former* and beget ties of legal Subjection and Obedience in the latter. For as *Grotius* affirms to the ſame purpoſe, That *Actus Imperij invaſoris quos exercet, nullam vim habere poſſunt ex ipſius Jure, quod nullum eſt.* That no Invader meerly as ſuch, and under that reduplication hath a right of exacting Fealty and Obedience of the Subjects of thoſe Princes, whom they have without Juſtice violently and forcibly aſſaulted. That *Quicquid Jure poſſidetur, injuria aufertur*; *What any rightfully poſſeſſeth, he cannot ſave injuriouſly be diſſeiſed of*, is engraven upon the minds of all men, as a part of the Legiſlation of the Divine Creator, conveyed unto us with our Natures. Nor can it be denied by any, who do believe that there are ſuch

Diſſertat academ. Seleſt. p. 293.

De Jure Bell. & pac. *lib.* 1. *cap.* 4.

such things, as *Right* and *Wrong* among men, and that they are under Laws which enjoyn, what is Juſt, and prohibit what is unjuſt; but that the Wars which the *Spaniards* made upon the *Emperors* of *Mexico* and *Peru*, and upon ſuch *Supreme Rulers* and *Governours* of thoſe other *American Territories* and *Countries* whereof they are become poſſeſſed, were the moſt groundleſs, unrighteous and unjuſt, as well as the moſt bloody inhumane and barbarous, that ever were either begun, or carried on in any part of the World: Seeing that tho' thoſe Potentates, Rulers, and their People and Subjects were not *Chriſtians* (and for any thing that we do know, were never provided of means nor furniſhed with advantages of being ſuch) yet they were as Lawful Kings, Princes, and Governours of their ſeveral and reſpective Dominions, Territories, and Diſtricts in *America*, and as Legal Proprietors of their Demeſns and Poſſeſſions there, as any *European Prince* or *People* whatſoever are in reference either unto the Authority and Juriſdiction, which they have and do exerciſe in this part of the Terreſtrial Globe, or to the Lands and Goods where they do here inhabit, and which they do enjoy and poſſeſs. For Infidels being rational Creatures, as well as other men are, they are thereupon Sociable, as well as they, and conſequently capable of entring into Societies, and agreeing upon Laws for the Government of them; and indeed to have Governours and to be Governed, are equally common to all ſorts of men, whether they Worſhip God or Idols, being things that have their

See de las Caſas *of the Voyages*, &c. *of the Spaniards to the* Weſt-Indies. p. 147. *Engliſh tranſlation*, & alibi paſſim. &c.

See alſo what Mar. Ginami *hath in his Italian tranſlati-of* de las Caſas *Book, particularly in that part called* Conquiſta dell' Indie.

their foundation in the light of Nature, and not in Revelation. And therefore, Civil Dominion and Property, being no ways founded in Grace, or in the *Orthodoxy* of *Faith*, but in Principles of Nature which guide men to provide for their own ſafety, it is as much a violation of the Laws of God, and of Nations, to Invade the Countries of thoſe Soveraigns and to deprive thoſe Potentates of their Dominions, without a previous and antecedent juſt reaſon and cauſe, and it is as heinous an offence, againſt the Laws both of Nature and Revelation to rob and plunder their People of what they had and enjoyed, as it is for any one King and people in this Chriſtian part of the World to do the like againſt and upon any other in this *Hemiſphere*, and who are of the ſame belief of the Goſpel that they who Invade them are.

Nor have there hitherto been, nor hereafter can, any reaſons be produc'd, for *legitimating* and *juſtifying* the War of the *Spaniards*, upon and againſt the natural *Princes* and the *Natives* of the *Weſt-Indies*, but which do with greater evidence proclaim, and more ſingularly aggravate and enhance the guilt of it. For to alledge that they were *Idolaters*, and that therefore it was lawful, to make War upon, and to deſtroy and extirpate them, is directly repugnant to all the Principles of Humanity, the Maxims of Evangelical Meekneſs, and the Methods eſtabliſh'd by our Lord JESUS Chriſt for the Propagation of the Chriſtian Faith; as well as to all the Laws of Nature, Revelation and Nations. And as the time once was, when all the Nations even of *Europe*, *Aſia* and *Africk*,

Africk, ſave the ſingle and little *People* of the *Jews*, were groſs and open *Idolaters*; ſo I do not believe that any are ſo far void of good *Senſe*, and of humane Sentiments, as to think that the *Jews*, had they been powerful enough to have attempted it, ſtood warranted and authorized to have depopulated the Earth, thro' deſtroying the Inhabitants of it. And conſidering how the ſame Character of being *Idolaters* is by moſt of thoſe of all Countries that are ſtiled *Reformed* faſten'd upon the *Spaniards* themſelves, becauſe of divers Religious Actions in their Pontifician Worſhip, it is not therefore to conſult well for their own ſafety, to inveſt thoſe who do both believe and call them ſo, with a right of Slaughtering and Murdering them upon that account.

And whereas it may poſſibly be pretended, that the *Spaniards* had juſt cauſe adminiſter'd unto them, of making War upon the *Indians*, even almoſt to the extirpating of them, in that the *Potentates* and *People* of *America*, would not admit them to *Trade* and reſide peaceably among them: It is as irrational and barbarous an Allegation as the former, and is withal uncontroulably falſe with reſpect to matter of *Fact*, which the other was not. For abſtracting from the queſtion, whether one People may not lawfully exclude and debar another from Trafficking with them, and ſettling in their Country, which why it may not be done in other Caſes, beſides that of open Hoſtility, I will not at this time take upon me to decide; but that which I do affirm, is, That the *Spaniards* had no provocation of that kind given them for their making War upon the *Natives*. It being

ing declared and recorded by their own *Hiſtorians* and Writers, that the *Indians* receiv'd them chearfully, and treated them amicably, and entertain'd them according to all the rules of Hoſpitality and Friendſhip; yea, both well-com'd and eſteem'd them rather as Gods than as Men, until the *Spaniards*, by their Barbarities perpetrated upon the *Natives*, provoked them to ſeek and endeavour, how to preſerve and defend themſelves from their brutal and helliſh Rage. So that, tho' there be not the leaſt ſhadow of truth in that pretence for the *Spaniards* having made War for Forty Years ſucceſſively, uſed all the Arts of Fraud, Treachery and Violence, for deſtroying and exterminating them, which they ſo far effected, as to Murder above *Forty Millions* of Men, Women, and Children, to the laying waſte ſome of the largeſt and fineſt Countries in the World, and the rendring them in a manner deſtitute of Inhabitants; yet the folly and impertinence of thoſe who produce this as a reaſon, and in juſtification of the War that was made upon the *Indians*, are too obvious and remarkable to be overlook'd, and ſilently omitted: Seeing by the ſame reaſon, and upon the ſame motive, that they ſeek and endeavour, to have the *Spaniards* either excuſed or juſtified in what they did againſt the *Natives* of *America*; an *European Nation* that hath Strength and Power enough to fall upon the *Spaniards* in their *Weſt-India Provinces*, and is able to drive them thence, becomes warranted and authorized to do it, in that it is their avowed principle and practice, to permit none to Plant and Trade there beſides themſelves.

So

So that it being apparent from the whole, that hath been ſaid under this Head, that the War which the *Spaniards* made againſt the *Rulers* and *Inhabitants* of the *Weſt-Indies*, who were the Ancient *Natives*, was, upon all accounts, moſt unrighteous and unjuſt, it doth from thence unanſwerably follow, That no Title in thoſe Dominions can ariſe and accrue unto them, from their having been *Victors* and *Conquerors* in that War. It being impoſſible that what is lawful and juſt, ſhould be the natural, proper and immediate effect of what is in it ſelf, Wicked, Abominable and Villainous. And therefore ſuch of the *Spaniſh* Nation as have been wiſe and honeſt, they do renounce all claim of Right in the Crown of *Spain* to a Soveraignity and Juriſdiction over thoſe Countries, and the having a legal property in them, on the Foot and Foundation of *Conqueſt*, and are willing to place and ſettle it on the *bottom* of their own *Occupation* and *Poſſeſſion*, and quiet acquieſcence of the *Natives*. And indeed when *Columbus* had firſt diſcover'd the *Weſt-Indies*, and was about to eſtabliſh *Colonies* in thoſe Provinces, and being at his ſecond Voyage to *Hiſpaniola*, adviſed by ſome of his own People, and particularly by one Father *Boyle*, to ſeize upon *Guacanagari*, that was an *Indian* King, and ſtood accuſed for having Murder'd ſome *Caſtilians*, whom *Columbus* had left there upon his firſt Voyage thither, he not only refus'd to do it, but declar'd that he came not into thoſe Countries upon a *Deſign of uſing Force, nor in order to make a Conqueſt, but in a peaceable and gentle way, and to ſettle with the conſent of the Natives.*

See de las Caſas *account of the Voyages and Diſcoveries of the* Spaniards *in the* Weſt-Indies, *from p.* 136 *to* 161 *of the* Engliſh *Tranſlation.*

See Herrera dec. 1. lib. 2. c. 9.

In

In brief, tho' neither any crimes against God, wherewith the *Indians* were chargeable, nor any undue and inhumane carriages towards the *Spaniards*, at their first Landing in *America*, whereof some have had both the Impudence and Indiscretion to accuse them, were either just motives according to the Morals of Heathens or Christians, or allowable by the Laws of Nations, as Lawful causes for the *Spaniards* making War upon that People, yet both the *occasions* of it on the part of the *Natives*, and the real Inducements unto it on the side of the *Spaniards*, are too obvious and apparent, to escape the Observation and Notice of any person, that is conversant in History. Namely, that the Simplicity, Meekness, Patience and Unacquaintedness with Arms, and Martial Discipline, and their being ill provided of Weapons, either Offensive or Defensive, together with their abounding with Wealth, and their Countries being stored with Gold and Silver Mines, were the true *occasions* of that War, on the side of the *Indians*, and an insatiable *Avarice*, a Brutal Insolence, and unquenchable thirst after Blood, were the real causes of it, on the part of the *Spaniards*; who under all their pretences, of converting those Infidels to the Christian Faith and Worship, intended principally if not only, the destroying and extirpating of them, and converting their Countries and their Treasures to their own use.

See De las Casas ubi Supra, *thro' the whole Book.*

Whereunto may be further added under this head, that the Murther of the *Emperours* of *Mexico* and *Peru*, and the destroying all such as were of the Royal Lines, of those two great Monarchical Families,

Families, which was perpetrated againſt all the meaſures and obligations of Gratitude, Truth, Honour, Equity and Juſtice, and with all the Treachery and Inhumanity imaginable, gave no *Legal Jurisdiction* to the *Spaniards*, over ſuch as had been Subjects or Vaſſals to thoſe Sovereigns, in that the *Spaniards* did not ſet themſelves up, and lay claim to an Authority, in order to *Govern* the *Mexicans* and *Peruvians*, to their Advantage and Benefit, but that they might extirpate and exterminate them. And Governments being at firſt inſtituted, for the ſafety of a People and not for their ruine: Kings being as *Ariſtotle* ſaith, *ordained for the good of Kingdoms, and not Kingdoms for the Luſt and Pleaſure of Kings, to be Tyrannized over as they will*, ſuch can never acquire any right to Rule and Govern a Country, whoſe deſign work and endeavour were to depopulate it. And if on the ſuppoſition, that it were poſſible for one, that is a Legitimate Soveraign and Monarch, to entertain a purpoſe of making an Univerſal deſtruction of his People, inſtead of Protecting them (which I do really think and believe no Prince whatſoever is capable of, who is not fitter for Bedlam than a Throne, and who needeth not rather to be Bound in Chains, than to be accounted fit to ſway a Scepter, as being more Mad and Diſtracted, than any that are kept at *Hogsden*) it were Lawful for his very Subjects, without the Violation of their Allegiance, to reſtrain and reſiſt him; Surely then it ought much more to be eſteemed, not only Lawful but an indiſpenſible Duty, to withſtand and oppoſe thoſe, to whom they had never been Subjects,

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paid Fealty, or yielded Obedience, that ſhould challenge an Authority and Juriſdiction over them, meerly that they might in the exerciſe thereof, Maſſacre and Exterminate them, which was directly the caſe of the *People* of the *Weſt-Indies*, in relation to the *Spaniards*, both at their firſt Landing among them, and for a long ſeries of Years after. So that this ſerveth to Vindicate from blame, not only all thoſe few and ſmall *Retaliations*, which any of the *Native Indians* were capable of making upon the *Spaniards*, in Killing them whereſoever they could conveniently find, and were ſtrong enough to Maſter them; but it doth abundantly *juſtify* the *withdrawment* of all thoſe that could, from a *dependence* upon the *Empires* of *Mexico* and *Peru*, as they are now become veſted in the *Kings* of *Spain*, tho' they had been anciently either Subjects, or Vaſſals, or Feudatories unto them, and their erecting themſelves into Free, Abſolute and Independent Governments, that thereby inſtead of falling under, and being forced to ſubmit to the *Spaniſh* Juriſdiction, they might be the better able to withſtand their power, and to defend themſelves againſt all the pretenſions of the *Spaniards*, in their claim of Authority over them. And if the length of time, wherein the *Spaniards* have not only been in the quiet poſſeſſion, but in the exerciſe of Rule and Government, over ſuch and ſuch *Weſt-India* Provinces, Countries and Diſtricts, that have, either actively, or paſſively, ſubmitted to them, gives them a Title thereunto by *Preſcription*, then certainly by parity of Reaſon, and on the ſame foot of account, are they who (upon the

Spaniards getting into *Poſſeſſion* of *Mexico* and *Peru*, and there treating of the Natives in the manner above related) withdrew themſelves from any further *Dependence* on thoſe *Empires*, and became erected into diſtinct, free and independent *Governments*, made likewiſe entitled to there *Poſſeſſions*, and *Juriſdictions*, by the ſame tenor and claim of *Preſcription*. Nor is it to be denied, but that there are ſeveral Societies and bodies of *Indians* within the ancient Precincts and Limits of the foreſaid *Empires*, who to this day, inſtead of ſubmitting to the Juriſdiction of the *Spaniards*, are in continual and conſtant War with them. Whereof though a Multitude of Inſtances might be aſſigned, yet for the ſake of Brevity, I ſhall only mention two. Of which one ſhall be the Collection or Herd of *Indians*, within the bounds of the Kingdom of *Guatimala*, whom the *Spaniards* have not hitherto Conquered, but would fain ſubdue, in order both to the ſetling a Commerce with ſome parts of *Jucatan*, from the doing whereof they are hindred by thoſe Natives, and for the opening a way, for the conveying their goods over Land to the *Havana*, which they reckon would be often more for their ſafety, than the venturing them thither by Sea, from the *Gulph*. The other which I would mention is, that *Sept* and *Tribe* of *Indians*, who remain imbodied on the *Northern* part of the Province of New *Mexico*, who are both Valiant, and in implacable Hoſtility with the *Spaniards*, and whom they are more deſirous to bring into Subjection, than any other that are unſubdued, becauſe of the rich Gold and Silver Mines, which they know to lie in the Mountains, and within the Diſtricts which thoſe Natives

See Gage's *Survey edi.* 1699. p. 160, 161. *and* 305.

Natives poſſeſs, where they have hitherto covered and defended themſelves, againſt the power of the *Spaniards*.

Finally, if the *Crown* of *Spain*, cannot rightfully pretend unto any Soveraignty over thoſe, whom I have mention'd, it is then *Apodictically* evident, that thro' their having maſter'd *Mexico* and *Peru*, and got into poſſeſſion of thoſe *Empires*, (and by reaſon of a long and quiet Occupation, are come to be univerſally acknowledg'd to have a Right in them, ſo far as they are poſſeſs'd, and ſubmitted unto by the Natives) they can lay no *Claim* of *Title*, Authority or Juriſdiction whatſoever, unto and over ſuch Places and People, who, as they never were in any way or manner dependant upon, or Feudatory to the forementiond Empires; ſo they were never ſubdued by, nor yielded any Fealty or Obedience to the *Spaniards*; but inſtead thereof have all along been either in terms of *Hoſtility*, or in actual War with the *Spaniards*, and have defended themſelves, and preſerved their *Territories* from being over-run, ſubdued, occupyed, and inhabited by them. Which is the plain and direct *Caſe* of thoſe of that part of the *Iſthmus* of *Darien*, where the *Scots*, with *conſent* of the *Natives*, and of their Rulers, have *Landed*, and are about ſetling a *Colony*.

And this doth both conduct me more nearly, and let me in more cloſely to the Matter and Affair, which my deſign in the writing of this Diſcourſe, is to vindicate and juſtify; namely, That the *Scots* in their endeavouring to eſtabliſh their *Colony* at *Caledonia*, at the *Port*, and upon the *Harbour Acla* in the *Iſthmus* of *Darien*, have made no Invaſion upon the Dominions, Territories, or Demeſns of His *Ca-*

Catholick Majesty, nor have thereby done any thing which may be call'd an *Infraction* of *Treaties* and *Alliances* between the *Crowns* of *Great Britain* and of *Spain*. Now that I may manage this undertaking, both with all the Perspicuity, and with all the Candor imaginable, I shall freely grant unto the *Spaniards* whatsoever in Justice and Reason should not be deny'd them: That I may the more methodically, the better, and with the less offence to any afterwards deny unto them such Pretensions and Claims, as they have no grounds, either in Laws, or in Compacts and Stipulations for the demanding of. I do therefore willingly and with great readiness allow them to have a *Title* unto, and a *Propriety* in *Mexico* and *Peru*, and such other *Provinces* and *Islands* in *America*, where they have Plantations and *Colonies*, to such dimensions, so far, and to that extent of limits and bounds, as they do actually occupy and are in the possession of. For notwithstanding that their entrance into, and first settlement in those Countries, was mostly in the way of Force, Violence and Usurpation, and accompany'd with the greatest Barbarities, horridest Cruelties, and most execrable Massacres which it was possible for Men to practise, commit and perpetrate; from, and by which no just and legal *Title* could result and accrue unto them in and over those Territories, as I have already said, yet thro' their having for so long, and for such an uninterrupted series of Years, peaceably *possessed* and *inhabited* such and such places in the *West-Indies*, there is from thence, according to the Laws of Nations, a *Title* risen unto and become vested in them by *Prescription* over these Provinces,

vinces, Isles, and Districts, that unless in the case of actual War, none may or can disturb, disseize or expel them, without the doing that which is unlawful, unjust, injurious, and highly Criminal. For if *Prescription* should not be acknowledg'd to create and give unto a Prince or People a Title to a Country, Province, or Territory, so far as he or they may have been possessed of them; and if a peaceable and undisturb'd *Occupation* for an hundred or two hundred Years be not confessed sufficient time to found *Prescription* upon, the Right of many Princes, as well as of Common Men, would be very questionable to what they call their Inheritances, and Matter and Cause would thereby be administred, of Bloody Wars as well as of litigious and expensive Sutes in Courts of Law, both between Rulers, and between private Subjects, in most places in the World.

But whereas upon this *Concession* which I have made, it may possibly be said and alledged by some, that thro' the *Spaniards* having a right of Soveraignity and Dominion in and over *Mexico* and *Peru*, they must consequently be own'd to have a *legal Title* to all the *Provinces*, *Districts*, and *Places*, that had been formerly, and particularly at the *Castilians* landing in *America*, were parts of, *Feudatory* unto, or any ways *dependant* upon those *Empires*: It being a Maxim in the *English*, as well as in all other Laws, *That the Possession of a part in a Person or Persons that have the Right, gives unto them a just Claim of Possession to the whole.* Whereunto the Answers that may be given are obvious from what hath been offer'd and laid down in the foregoing *Postulata* and *Premises*; namely, first,

That the whole imported in that *Maxim*, doth only refer unto, and obtain in reference to such, who had been, and were the legal and rightful Proprietors of such and such Dominions and Territories, or who had thro' a Conquest in a just War, cut out and made a *Title* to themselves by their Swords; whereas it signifieth nothing, nor is of any validity to the giving a legal Claim and Title unto, and over any parts of a Country, further than as they are actually occupyed and possessed, to those who neither had ancient Propriety in and over those Dominions, nor had come to acquire any in way of Conquest by a just War. Which being the plain and direct case of the *Spaniards*, even in relation to the *Empires* of *Mexico* and *Peru*; it may therefore be affirm'd, and that consonantly both to all the Rules of Laws, and the Measures of Equity and Justice, and that from the *Castilians* having inhumanely, savagely, and treacherously Murder'd the *Emperors* of *Mexico* and *Peru*, and the having destroy'd all those of each of those Imperial *Lines* as they could by fraud or violence get within the circle of their Power, and their having set themselves to Slaughter, Massacre and Exterminate the Natives, as far as their might and strength, excited and influenced by Malice, Rage, Avarice, and insatiable thirst after Blood could extend and reach; I say it may be affirm'd, that from thence and thereupon no Right or Title of Propriety or Dominion did arise unto the *Spaniards* in and over those Empires, further than they came quietly to inhabit, and were submitted unto; but that rather thereupon the *Natives* of those two Empires were at liberty to account these

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two great *Monarchies* to be entirely *diſſolv'd*, and might reckon that *they themſelves* were in effect reduc'd back again to the *State of Nature*, and that whatſoever *Power* and *Authority* had either by primitive *Compacts* and *Agreements*, or by tacit *Submiſſions* been veſted in thoſe *Monarchs*, and their *Hereditary Succeſſors*, was become wholly *vacated* and *annulled*, not only as to them and their legal Heirs, but to all ſuch who ſhould pretend to ariſe and ſet up in their room, in the vertue of any Claim reſulting from their having deſtroy'd and murder'd thoſe *Monarchs*; and that the Power and Juriſdiction of the ancient Emperors of *Mexico* and *Peru* being altogether extinguiſh'd, there was thereby a *Right* as well as a *Freedom reſtor'd* unto and *divolv'd* upon the *Natives*, of diſpoſing themſelves, how, to whom, and after what manner they pleas'd, ſo that they might chooſe what Governors, and erect what Government they would, in order to their being kept in peace and ſafety among themſelves, and be protected and defended from and againſt all ſuch as ſhould hoſtilely invade them.

So that whoſoever of thoſe *Indians*, who had formerly been dependant upon and ſubject unto the Empires of *Mexico* and *Peru*, did, for the reaſons I have mention'd, *withdraw* themſelves from being for the future any ways under thoſe Empires, or any parts or branches of them, and became *united* and *confederated* into diſtinct, ſeparate and independant *Communities*, erecting *Governments*, and chooſing *Governors* of their own; As the *Spaniards* can lawfully pretend to no legal Claim of Right and Authority over them; ſo it is not only free

for those *Indians* to admit any *European* or other Nation to come, and to settle, and to plant among them, but they may upon the motive and guidance of their own Interest, as well invite as receive any sort of People to plant and reside among them, that shall shew themselves willing, and who may be able to assist those Natives against the *Spaniards* who make War upon and seek to oppress them.

Vid. Puffen. de jur. Nat. ad Gent. lib. 8. c. 6. §. 25, 26.

For as *Civilians* do generally agree, *Si populus vel propriis viribus vel sociorum jugum hostile excusserit, sine dubio libertatem & statum antiquum recuperat. Whensoever a People, that hath been drove out of their Possessions, do either by their own Power, or by the aid and assistance of their Allies, rescue themselves from the Yoke and Dominion of their Enemies, they immediately thereupon do legally recover both their Liberty and Right to whatsoever they were disseized of*; and this is call'd *Jus postliminium quod nascitur ex reditu in limen.* To which purpose *Grotius* says from *Pomponius*, *Expulsis hostibus ex agris quos ceperant, dominia eorum ad priores dominos redeunt, Upon the expulsion of Enemies out of such Territories whereof they were by Invasion and Usurpation become possessed, the Propriety and Dominion of those Lands do return unto such who had been the first Lords and Owners of them.* Nor is any length of time allow'd by some of the best *Civilians* sufficient to give a Title, so much as by *Prescription* unto such who by force and violence were gotten into the Occupation of Countries and Territories, in case they whom they had subdued gave no signs of their submission to them, nor any ways testify'd their receiving of them for their Rulers and Lords. *Nullum tempus*, says

Vid. Grot. de Jure Bell. & Pac. lib. 3. c. 9. §. 13.

one, *ſufficit ad acquirendum ſummum imperium, aut partem ejus neceſſariam, valente prima poſſeſſore, quod ſignificatur etiam ſilentio quando loqui non audeat.* *No length of time wherein an Uſurper poſſeſſeth, can veſt him in a rightful Juriſdiction and Dominion, while he wants the conſent in ſome manner intimated of thoſe that were the firſt legal Inheritors, and that their very ſilence is enough to ſhew their refuſal of becoming Subjects, when their circumſtances are ſuch, that they dare not expreſs their diſclaiming his Soveragnity over them.* For in ſome caſes it is enough that they murmur, tho' they dare not expreſs their hatred; ſeeing that they do not reſiſt, is not becauſe they would not, but by reaſon that they cannot; and their being tame and ſilent under a *Force*, which they can neither withſtand nor throw off, do no more declare and expreſs their ſubmiſſion, than a Man approves of his being robb'd, when without contradiction or quarrelling, he delivers his Purſe to a Thief whom he knows to be too ſtrong for him. Vid. Grot. ubi ſupra, l. 2. c. 4.

Yea, Secondly, it may be farther added in way of anſwer, That the whole which can be ſuppos'd to follow upon, and to reſult from the foremention'd *Maxim* in Law, is only that the *Spaniards* may thereupon and from thence pretend to a *Title* of Right in, and of Dominion over all ſuch *Places* in *America*, as had anciently been either directly and immediately ſubject to, or by one way or another dependant upon the foremention'd Empires; but it doth in no manner concern or affect the ſettlement of the *Scots* on the *Iſthmus* of *Darien*, nor can it be pleaded as a reaſon for giving diſturbance to their *Caledonian Colony*. Foraſmuch

much as the Country of *Darien*, had never been any *part* of, nor any ways *Feudatory* or tributary unto, nor in any manner whatsoever *dependant* upon either of the foresaid *Empires*, but was always a distinct, free, and independent Country, and the Natives and Inhabitants thereof, a distinct, free and independent People. Nor hath the place of that *Isthmus*, where the *Scots* are particularly landed, and have begun to erect *Forts*, and do purpose to establish a *Colony* for Trade and Commerce, been ever subdued or inhabited by the *Spaniards*. To which may be further added, That as the *District* on that *Isthmus* where the *Scots* have begun their settlement was never dependant upon any part or place, where the *Spaniards* have their *Colonies* within the *Isthmus*, so the Ruling Natives of that little circuit where the *Scots* are, and of whom they have obtain'd liberty to settle and plant, were never subject to any other *Indian* Sovereign or Government within the Precincts of the *Isthmus*.

Which leads me to a second *Concession*, that I am oblig'd to make unto the *Spaniards*, but whereof that they can have no advantages, for the weakening or retidring controvertible a right and legal Power and Liberty in the *Scots* to settle on the *Isthmus* of *Darien*, I shall give uncontradictable Reasons, and those such as shall be founded both upon *Laws* and *Facts*. That which I do then further grant unto them, is this, namely, That besides the many large and numerous *Colonies* which the Crown of *Spain* hath in divers other places of *America*, they have also several of very great importance and profit, within and upon the *Isthmus* of *Darien*.

Seeing

seeing the *Spaniards* are not only the undoubted *Masters* of several places on the *Bay* of *Panama*, and of the Coast of the *Isthmus* upon and towards the *South-Sea*; but they do likewise possess *Carthagena*, which stands on a small Island, and *Porto bello* which is upon the Continent upon the *North-Sea*. Yea, I do moreover acknowledge, that besides their having heretofore possessed *Nombre de Dios*, and their having *Planted* upon some part of the *River Darien* it self, which are places nearer and more adjacent to that little District and spot of Land, where the *Scots* have begun to settle, than those already mention'd, but which they have since relinquish'd, and are wholly withdrawn from: They have likewise at this very time some small Territories in their *Occupation* which are not remov'd and distanc'd much above *ten* or *twelve Leagues* from the *Caledonian Colony* and *New Edenburgh*, where they are in the *possession* of *Mines*, out of which they dig *Gold*: In reference to all which places, as their Title and Right of Propriety is readily confess'd by the *Scots*, as well as legally asserted by themselves; so neither the *Scots* nor any other Nation whatsoever, unless in case of open Hostility in a just War, can invade them there, or seek to dispossess them from thence, without incurring the guilt of great Injustice, and becoming violators of the Laws of Nations. Nevertheless nothing of all this, that I have granted, can or ought to be reasonably alledged as a legal plea against, a legitimate obstruction unto, or a lawful hindrance of the *Scots* establishing a *Colony* at the *Port Acla*, or the rendring it injurious and criminal in them, and an Infraction

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of Alliances, to poſſeſs, with the conſent of the Natives, the Country bordering upon, and neighbouring unto it. Seeing the Equity and Juſtice of what they have therein done, are eaſie to be demonſtrated from and by all the *Topicks* of Law, Reaſon, and Fact, upon which the ſettlement of Colonies by Aliens, Foreigners, or Strangers, in any parts of the World, have been accounted Lawful, and do in the eſteem of Nations ſtand juſtify'd.

In order to the better and fuller clearing whereof, it may not be amiſs to obſerve, That neither antecedently in the diſcovery of that part of *America* by the *Spaniards*, and their becoming at firſt poſſeſſors of any places there, nor at any time ſince, was the Soveraignty and Dominion of the whole *Iſthmus* of *Darien* veſted in any one Perſon whatſoever, as the ſole and alone Ruler, Governor and Prince of it. But it anciently was, and has always hitherto been divided and diſtributed into ſeveral little Principalities and Juriſdictions, over which they who bear the ſupreme Sway, and give Laws unto the reſt of the Natives in their different and reſpective Precincts, and both had, and ſtill have, Obedience paid and yielded unto them, by thoſe that were or are the *Indigena* or Natural Inhabitants, deſerv'd rather the Name and Stile of *Captains* than the Title of Princes and Kings. And who, tho' they be accordingly call'd by the Natives *Caciques*, which is a much lower appellation than thoſe of *Ingas*, and the being the *Off-ſpring* of the *Sun*, by which *Emperors* of *Peru* and *Mexico* were ſtil'd; yet they have been at all times both *abſolute* within their ſeveral reſpective Diſtricts,

and altogether *independent* upon, and *unaccountable* to one another, or to any Potentate else whatsoever; and how contiguous soever their Principalities may be, and tho' never so small, narrow and contracted in their Dimensions and Extents; yet further than as they became confederated and united together by leagues between one another against their Enemies, and particularly for mutual defence against the *Spaniards*, whom they ever did, and still do account their common Enemy, they have at all times had an independent and absolute Power and Authority within each of their own particular Bounds, which they have unaccountably to any other Prince, Sovereign or Monarch whatsoever, exercised over such as did inhabit in their several distinct Circuits.

Nor is this a thing singular and peculiar to the People on the *Isthmus* of *Darien*, but what hath been and still is common upon the *Continents* and in the Isles of *Asia* and *Africk* as well as in many other Countries, Provinces and Islands of *America*, besides that which I have been speaking of. Nor can any Person that pretends to have been conversant in *Geography* or *Histories* be ignorant of this matter, whereof all the Accounts and Narratives which we have of those three parts of the World do so fully and particularly instruct us. Neither ought we to think it strange, that this should be the form, model, and manner of Government on the foresaid *Isthmus*, and that the boundaries of supreme Authority and Jurisdiction there, should be so narrowly limited, confin'd and circumscrib'd, if we do but allow our selves to observe, how that there is the same

same Species of Rule and Domination both as to quality and extent, to be every where found and met with, in *Brasile*, *Chili*, *Paraqua*, *Florida*, *Carolina*, *Virginia*, *Malabar*, and the Country which is call'd *The Land of the* Amazons, of which it is particularly remarkable, that there are above *Fifty* different *Indian* Nations, or distinct and independant *Sects*, on the banks of the River that is so call'd.

Nor was the like heretofore altogether unusual and unexemplify'd in the *European* parts of the World, whereof the several and distinct supreme Principalities of the ancient *Britains* in *England*, where in *Julius Cæsar*'s time, there were no fewer than four distinct Kings in *Kent* alone, namely, *Cingetorix*, *Carvilius*, *Taximagulus*, and *Segonax*; or, as *Cambden* calls them *Reguli vel melioris Notæ Nobiles*; *Captains* or Persons distinguish'd from the *Vulgar* by their Power and Figure, and whose Territories could not be much larger, if of that extent, as the *Districts* of the several *Caciques* on the *Isthmus* of *Darien* are. And the like may be said, only allowing them greater dimensions of Territory, of the *Saxons* during the *Heptarchy* afterwards in the same Country, as well as of the *Scots* and *Picts* in the ancient *Caledonia*. Yea, and the distinct and different Soveraignties which were in *Spain* it self, not only both before and after it was a Roman Province, but even until less than within these two last Centuries, As *Leon*, *Arragon*, *Navarre*, *Castile* and *Portugal*, under which the Christians in *Spain* were divided: and those of *Cordova*, *Sivil*, *Malaga*, *Granada*, and others under the power of the *Moors*, not to speak of the several independent and absolute

See Cæsar de Bell. Gall. *lib.* 5. *and* Cambden's *Brit. in* Cant.

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Jurisdictions, which are at this day both in *Italy* and some other places, do abundantly confirm the same. And were not the *Bible a Book*, that some men are little conversant in, they would not think it a *Banter*, to have those stiled Independent, Absolute and Soveraign Rulers, whose Territories are circumscribed and confined within strait and narrow limits. Seeing besides many Instances of that kind, which are to be met with in divers places of the Sacred History, they would find that *Jeshua* subdued no fewer than 31 *Kings* in *Canaan* when he conquered the Land in order to settle the People of *Israel* in it, tho' that Country was not much larger in the whole extent and circumference of it, than some single Counties of *England* are; not to add that as there were several Kings more, whom he did neither drive out, nor destroy, so most of the primitive Governments of the World were of that sort, constitution and complexion. *Jos.* 12.

But to what hath been already said and represented under this head, there is further to be added, that whatsoever *Possessions*, the *Spaniards* have obtained in that *American Strait* whether thro' their having conquered any of the *Caciques*, that had their Jurisdictions there, or by their having contracted Alliances, with those *Indian Governours*, and by Agreements with them and the Natives acquired a Liberty to sit down, plant, and to erect *Colonies* within the limits and bounds of their little Territories and Principalities; or how much soever they may have encroached upon any of these *Captains* whom they have not wholly subdued, and wrested part of their Lands and Jurisdictions from them; yet there are still divers of these *Caciques* o-

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ver the Native *Indians*, who as neither *they*, *their* People, nor their Territories, were ever conquer'd by the *Spaniards*; ſo they never enter'd into Agreements and Contracts with them, nor have at any time granted liberty unto them, to ſettle within the Precincts of their Lands, Inheritances, and Demeſnes, but have at all times been in terms of Variance and Hoſtility with them, and for the moſt part in a ſtate and condition of actual War. So that at leaſt within the Boundaries and Juriſdictions of ſuch *Indian Governors*, the *Spaniards* have no juſt or legal pretence of Property and Dominion.

For how weak and mean ſoever thoſe Natives and their Rulers may be eſteemed and repreſented, yet that doth no ways alter the caſe, or any ways enfeeble their right unto, and their authority over their own Principalities; but they do retain an equal Claim and Title unto, and Property in what was anciently and originally theirs, and what they have defended from the Invaſion and Uſurpation of the *Spaniards*, as if their Dominions were as large, and their Might and Power as great as thoſe of His *Britannick Majeſty*'s are. The little *Republic* of *Geneva* hath as good right in Law to a Propriety in what they have immemorially poſſeſs'd, as the Great *Monarch* of *France* hath unto the vaſt and powerful Dominions over which he is Hereditarily King and Soveraign. Yea, they of *San Marino* in *Italy* are no leſs abſolute and independent Proprietors and Governors in and over that poor and deſpicable *Hamlet* and *Dorp*, than thoſe who go by the Stile of *High* and *Mighty* are over the Dutch Provinces

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in reference to those Things, Matters and Ends for which they became United and Confederated. Nor is the Duke of *Mirandola*, whose *Territories* do not extend themselves to three Italian Miles, less absolute and independent over his own small Principality, than the Emperor of *Germany* is with respect to his *Austrian* and Hereditary Countries. For according to the Laws of Nature and of Nations the point of Right and Property is the same in the Poor that it is in the Rich, and in the Weak that it is in the Strong. And how impotent and contemptible soever those unsubdu'd *Caciques* on the *Isthmus* of *Darien* are, in comparison of His *Catholick Majesty*, yet it is enough to justifie their Propriety and Authority in and over what they possess, that the *Spaniards* have not by all their Power and Might been hitherto able to dissetze, subdue, or drive them out; but that all along since the *Castilians* first descended upon the *Isthmus*, and occupy'd several places within that *Streight* of *Darien*, they have been in a condition, either singly by the forces of some one or other of them alone, or conjunctively by uniting and joyning their several and respective Powers together, to cover, protect and defend themselves, their Territories and Jurisdictions from being so Invaded as to be over-run and subdued.

Nor is the extent and dimensions of the Land and Territory so scanty and small, or the number of those *Captains* or their People so few, in which, and over whom the *Spaniards* have not hitherto been able to obtain Possession and Authority, as some who do not give themselves leave to think so closely of this

Affair, and to examine it with that accuracy which they ought to do, may be inclined and ready to imagine; seeing, that upon the whole North-side of the *Isthmus* from the *River Darien* to the *Bastimentos*, the *Spaniards* are not in possession of one foot of Ground, nor ever were, save for a little while at first of *Nombre de Dios*, which they soon relinquish'd. And it is against both all the Topicks of Argumentation, and all the Measures of Law and Justice, that from the *Spaniards* having made some Settlements on the *South-Sea*, and their having, so far as they have obtain'd possession there, restricted and confin'd the Natives to narrow bounds, to infer and conclude from thence, their having a Propriety in, and a Jurisdiction over all the *Northern Coast*. And such a pretence is the more unreasonable and absurd, in that the *Isthmus* of *Darien* is naturally divided by a *ridge* of *Hills* that runneth from *East* to *West*. Nor can any allegation whatsoever more avowedly offer violence to common Sence, and more notoriously attempt the putting an Affront upon the Understandings of Men, than from the *Spaniards* being possessed of, and having dominion over *one part* of *Isthmus*, to deduce and conclude from thence, that therefore they must have a Propriety in, and a Soveraign Jurisdiction over the *whole*: And from their Title and Right of *Prescription* upon long Occupation, unto some of the *Southern Boundaries* of that *Streight*, to infer and plead their having in the vertue of that, a Title to the Northern parts thereof, of which as they were never in possession: so the People of the *latter* are wholly independent upon them

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of the *former*, and the Rulers of the *one* altogether Absolute within themselves, without deriving the least Authority from, or paying any kind or degree of Subjection and Obedience unto the *other*.

And for the *Spaniards* to pretend, that thro' their possessing *Porto Bello* on the South of *Darien*, and *Carthagena* in a small Island on the *North-side* of it, that therefore, and by consequence, they ought to be acknowledg'd to have a right of Propriety in, and of Jurisdiction over all the adjacent Country, which is between two and three hundred English Miles in Dimension and Extent, is not to *Argue*, but to *Banter*, and to Ridicule and Lampoon Mankind, instead of endeavouring to instruct, satisfie and convince them. Especially seeing that as all the *Settlements* and *Plantations* which the *Spaniards* have upon, or near unto that *Isthmus*, whether upon the *Southern*, or the *Northern Oceans*, were all obtain'd without the *consent* of the *Natives*, so the *Indians* who live and inhabit in the interjacent and intervening Countries, between the Spaniards Plantations, on the *South* and *North-Seas*, have still preserved the possession of those Territories, without the having ever become subject unto, or the having any ways acknowledg'd the Soveraignty and Dominion of the *Spaniards* over them. And should we submit to that Way and Method of Reasoning, what a Claim would the Kings of *France* have had long ago, to all the Countries, Provinces, and Dominions, which the *Catholick* King doth possess and bear Soveraignty over in *Europe*; in that all the Spanish Provinces are situated and do lie between the Countries which

the *French* King poſſeſſeth upon the *Ocean*, and thoſe which he hath right unto, and Soveraignity over on the *Mediterranean*. Nor can any thing carry more intrinſic and ſelf-evidence along with it, than that when a People were not the firſt Occupiers, and the original Inhabitants, their Title unto, and their Tenure and Property in that caſe in a Country can extend and reach no farther, than as they are got into poſſeſſion of it, either by the conſent of the Natives, or by conqueſt in a lawful War, or by Preſcription, thro' long Occupation, upon an unjuſt one. None of all which do in any manner obtain or hold, or can any ways be pleaded by the *Spaniards* in reference to the Peninſula on the *Iſthmus* of *Darien*, where the *Scots* are ſettling and eſtabliſhing a *Colony*.

Moreover, to all that is already ſaid under this Head, let me further ſubjoin, that no Nations being meerly in actual poſſeſſion of part of a Country that had not been originally their own, hath been accounted ſufficient in Equity, Law or Juſtice, to preclude and debar others from ſeeking to ſettle themſelves in ſuch places as thoſe Strangers who had come firſt to plant there were not in actual poſſeſſion of; whereof it were eaſie to aſſign many inſtances, but it being a matter whereof none that are acquainted with Books of Voyages, and Navigations, can be ignorant, I ſhall content my ſelf with the mentioning of a few; but in the mean time ſhall be careful, that they may be adapted to the caſe that is under preſent debate. Let it then be obſerv'd in the firſt place, That notwithſtanding the *Engliſh* had planted upon the *Continent*, as well as in ſeveral *Iſlands*

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of *America*, and did particularly poſſeſs upon the *Terra firma* from *New-England* to *Carolina*, without the interpoſition of Colonies belonging to any *European* Princes or States whatſoever, nevertheleſs the *Dutch* finding *Long-Iſland*, that is ſince come to be call'd *New-York*, and which lyeth within the foremention'd Limits unoccupy'd, yet environ'd and ſurrounded on all hands by Engliſh Plantations, they did in a time of full and entire Peace betwixt the Crown of *Great Britain* and the *Belgick-States*, ſit down and eſtabliſh a Plantation upon it; which without any diſturbance from the Engliſh, or their quarrelling with them upon that account, they continu'd to poſſeſs until the Year 1667, when after a Treaty of Peace between King *Charles* II. and the *States General*, for the putting an end to that War, which had commenc'd between thoſe two Ruling Powers, *Anno* 1665, *Long-Iſland* was exchang'd by the *Dutch* for *Surinam*.

Moreover whereas the *Spaniſh Plate-Fleet* muſt of neceſſity paſs between *Florida*, and the *Bahama Iſlands*, unto both which the *Spaniards* do likewiſe lay claim by challenging a property in and a dominion over them; yet notwithſtaning of this, the *Engliſh* poſſeſſed themſelves of the ſaid *Iſlands*, and tho' the *Spaniards* both complained and did highly reſent it, and ſo far as they had ſtrength and power, did as well Barbarouſly as Injuriouſly treat thoſe *Engliſh*, whom they found ſettled there; nevertheleſs the *Spaniards* being no ways able to Juſtifie their Right and Title to thoſe *Iſlands*, the *Engliſh* continued to aſſert and maintain the Poſſeſſion, which they had acquired, as long as they

themſelves found there Intreſt in it, and thought it convenient ſo to do.

Yea notwithſtanding that the *Spaniards* plead a right unto, and a propriety in *Yucatan*, and if the having over-run a great part of a Country, which is above 300 Leagues in compaſs, and the having Maſſacred a prodigious Number of the Native *Indians*, give them a legal *Title* unto, and a Dominion over all the Territories and Diſtricts of it, It muſt be acknowledged that they had them. Nevertheleſs, the *Engliſh* have not only Sailed frequently thither, and Landed without asking leave of the *Spaniards*, but they did appropriate unto themſelves the *Logwood* in *Cape Cato*, which belongeth thereunto, until it was ſo exhauſted, that it could no longer anſwer the Charge of ſending Ships thither. Yea King *Charles* the Second in time of Peace granted a patent to Dr. *Cox* to ſettle in the *Bay* of *Mexico*, which the *Spaniards* never queſtioned, nor complained of. And that the Doctors project did not ſucceed, proceeded from the inability or the backwardneſs of the Undertakers to carry it on, and not from the Illegality or Invalidity of that Princes Patent to have Authorized and Juſtified it.

Further tho' the *Bay* of *Campechay*, which lies in the *Gulph* of *Mexico*, muſt be confeſſed to be Situate in a Country, over which the *Spaniards* pretend to have the ſole Soveraignty and Juriſdiction, yet the *Engliſh* have accounted this to be no Obſtruction in way of Law and Juſtice, to their ſettling at *Port Royal* in the ſaid *Bay*, and their carrying on there the ſame Trade, of cutting and providing themſelves

ſelves of *Logwood*, which they formerly did at *Cape Cato*. Whereof as I never heard of any complaint made by the *Spaniards*; So we may believe that it would not have been regarded if there had, but that the *Engliſh* would have purſued and perſevered in the ſame Courſe and Method, of ſettling, removing, and reſettling there again, all which they did as they thought convenient, and for their Advantage.

Moreover tho' all men know, that the *Spaniards* have not only many great Plantations and Colonies in *Hiſpaniola*, but challenge a Peculiar right to that Country, as having conquered it, or rather got Treacherouſly, Violently and Barbarouſly, into the poſſeſſion of it, and whereof their Maſſacring ſome Millions of the Natives, may be admitted as a crying and execrable, as well as a ſufficient and undeniable Proof; yet the *French* upon their finding *Petit Guaves*, which lieth and is Situated in *Hiſpaniola*, Unoccupied and Unpoſſeſſed, they have without paying any reſpect to the pretenſions of the *Spaniards*, taken the liberty to ſettle there, and to eſtabliſh a Colony, and to cultivate a Trade. And likewiſe notwithſtanding the claim of an Univerſal Right and Juriſdiction, which the *Spaniards* (as I have often ſaid) do challenge unto, and over the whole Empire of *Mexico*, yet the *French* have not only once and again endeavoured to ſettle upon the River *de Spiritu Sancto*, which is in the *Bay* of *Mexico*, and are at this time ſtudying how to ſettle at the diſemboging of the River *Meſſiſipi* which is in the *Gulph* of *Mexico*, but they have actually ſettled in *Guiana*, that is Situated upon the *Terra firma* of the *Mexican* Continent.

Yea moreover ſtill, namely that tho' the *Spaniards* have great Poſſeſſions and many Plantations, on the *Iſthmus* of *Darien* towards the *South-Sea*, and do pretend a right of Dominion and Soveraignty over that whole Country, yet the *French* have been endeavouring to ſettle on the *Sambolas* Iſlands, which lie much nearer to *Porto bello*, and other *Spaniſh* Plantations on that *Iſthmus*, towards the *Northern* Sea than Port *Acla* doth, where the *Scots* have begun to Fix and Eſtabliſh a *Colony*; in order whereunto, they do greatly careſs and court a certain Indian Cacique, called Captain *Corbelo*, whoſe Territories lie from the *Sambola's* to that River of *Conception*, as hoping by his Favour and Aſſiſtance to ſucceed and proſper in their deſign; nor are they wanting in their addreſſes to Captain *Ambroſio*, whoſe Juriſdiction extends from the River *Pinas* to the *Sambola's*, and we may be ſure upon the ſame proſpect, if not alſo *on the deſign of ſetling within the* Iſthmus *it ſelf*, whoſe Friendſhip they have in a great meaſure acquired, partly by means of his mortal enmity to the *Spaniards*, and partly by the interceſſion of a Brother in Law of his called *Don Pedro*, who having been taken by the *Spaniards*, and kept for ſome time by them at *Panama* as a Slave, doth therefore irreconcilably hate them.

Whereunto indeed much more might be added, and largely inſiſted upon in reference to ſuch Countries Iſlands and Diſtricts, which the *French* are become poſſeſſed of in thoſe parts of *America* where the *Spaniards* pretend to have a Soveraignity and Juriſdiction excluſive of all other *European* Nations, but that it is wholly need-

needleſs, and would be accounted to be done in deſign to weary the reader, rather than to inform and convince him, and which would alſo be an encreaſing this diſcourſe into a length and bulk beyond what the queſtion in debate doth any wiſe require, tho' it be both very important in it ſelf, and the deſires and expectation of men at this time more than ordinarily excited and raiſed, for the having it fully cleared and decided. And therefore all that I will add further, concerning the reſt of the *Plantations* which the *French* have in thoſe *American Territories* and places, where the *Spaniards* do alledge their obtaining a peculiar property, and right of Dominion, ſhall be barely to mention them. Namely that they have not only Colonies in *Martinigo*, St. *Chriſtopher's*, *Guardalupa*, and divers of the *Charibbes* as well as other *Iſlands*, to the number at leaſt of *twelve* or *thirteen*, and all theſe within the Limits and Boundaries unto, and over which the *Spaniards* do claim a Right preclusive of all others; but that they alſo have and do poſſeſs ſeveral Forts on the Coaſt of *Caribana*, that lyeth in the very Heart and Boſom of *Mexico*, and which is not many Leagues diſtant from the *Iſthmus* of *Darien*, or may be rather ſaid to joyn upon it.

And upon the ſome Motive of my deſigning to be ſhort, and not to load and cloy the Reader with more Examples and Inſtances of the foregoing nature, than are either indiſpenſibly neceſſary, or which at leaſt may be ſuch, as they who are impartial Inquirers into the *legality* of the *Fact* of the *Scots* Indian and African Company, will not be diſpleaſed to be made ac-

acquainted with. I ſay that I ſhall therefore upon that inducement, only briefly intimate what *Colonies* the *Dutch* have ſettled and eſtabliſh'd within thoſe American Territories, unto which (beſides the Title that the *Spaniards* pretend to the whole Continent and all the Iſlands of *America* on the Foot of the *Pope's Bull* which hath been already diſprov'd and manifeſted to be vain and ridiculous) they plead a particular Right, either thro' their having been parts of the Empires, Kingdoms, and Countries, of which they became poſſeſſed, or elſe that they had been ſome way or another, dependent upon, or tributary unto them. For the *Dutch* knowing all theſe Pretenſions and Claims of the *Spaniards* to be groundleſs, vain, and ridiculous, and accordingly ſlighting and deſpiſing them, are not only ſettled in *Surinam*, and have ſeveral Forces on the Coaſts of *Guayane*, and are Maſters of the City *Coro*, which are all upon the *Terra firma*, but they have likewiſe poſſeſs'd themſelves both of the Iſland *Curaſoa*, that lies not above ſeven Leagues from the Main, near unto *Cape Roman*, and of the Iſlands *Araba* and *Bonary* which are not far diſtant from that, and had alſo planted in the Iſland *Tabago* until driven thence by the *French*, *Anno* 1677; during the time of that War which commenc'd 1672, between *France* and *Holland*.

By all which many and various Inſtances of divers *European* Nations ſettling within thoſe Provinces, Iſlands, and Places of *America*, which they found unoccupy'd by any other *European* Princes or States, and whereof ſeveral more examples might be aſſign'd (but that it is needleſs and would be ſuperfluous) of other Potentates

tates and Republics in *Europe* that have done the like, notwithſtanding any Claim of Property, Right and Title which the *Spaniards* pretend to have in, and unto them, and which they have with great confidence heretofore aſſerted, tho' without any foundation either in Reaſon or Law. I ſay, that I hope it will indiſputably appear by theſe Inſtances and Examples, that what the *Scots* have lately done in the eſtabliſhing a *Colony* with the conſent of the Natives at *Acla* on the *Iſthmus* of *Darien*, which was a place never poſſeſs'd nor occupy'd by the *Spaniards*, is, according to the ſame meaſures of Equity and Juſtice, undeniably lawful, and demonſtratively juſtifiable; and that all who are impartial and unprejudic'd will acknowledge it to be ſo.

And whatſoever hath been ſaid in defence and juſtification of any *European* Nation's having a right to ſettle in ſuch parts of *America* as were never occupy'd and poſſeſs'd by the *Spaniards*, it is of equal validity and force to authorize and warrant the ſitting down and planting in any place, or places there, that may heretofore have been poſſeſſed by the *Spaniards*, but which they have ſince voluntarily relinquiſh'd; as they are known to have done in the abandoning ſeveral places both on the Continent and in the Iſlands of *America*, where they had formerly ſettled and eſtabliſh'd *Colonies*, as well as in their forſaking *Nombre de Dios*, and a *Plantation* which they once had on the *River Darien*, which they left and withdrew from; after that they became poſſeſſed of *Porto Bello* and *Carthagena*. For tho' it hath been always acknowledg'd, as being grounded upon

upon the Laws of Nature and Nations, that they who are the original, lawful and uncontroverted Poſſeſſors of a Country or Land, and have been once in the occupation of it by *acts* of the *Body*, may and do retain a Right and Title unto it by *acts* of the *Mind*, after their having Corporally forſaken and left it; yet it is far otherwiſe with reſpect to a People who are come into a Country, not only as *Aliens* and *Strangers*, but as *Invaders* and *Uſurpers*, which is the caſe of the *Spaniards* in relation to thoſe places on the *Iſthmus* of *Darien*, as well as elſewhere in *America* where they had at any time heretofore ſet down and planted, but have ſince departed and withdrawn. For being neither the primitive Inhabitants, nor having ſettled there with the leave and conſent of the Natives, they can ſtand no otherwiſe entit'led to any right in, and over thoſe places, than as they have the actual poſſeſſion, and are Occupiers in *Fact*. Seeing as their forceable and violent entrance into, and their ſitting down in them, by, and in the meer vertue of Power and Strength, neither did, nor could defeat and extinguiſh the right of thoſe that had been the *Indigenæ* and original Inhabitants; ſo immediately upon their withdrawing from, and their relinquiſhing of thoſe places, the *Title* of the *Natives* unto them doth revive and take place, and becomes again as effectual, both for the juſtifying their own Reaſſumption, and Re-occupation of them, and for their granting a liberty, freedom and right, to any other Foreigners to ſettle in thoſe places, as ſhall come among them, and deſire it, as if they had never been at any time, either

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diſſeized or driven from, or diſquieted, interrupted and rendred unſafe in their occupation of them.

And how eaſy were it to multiply Examples and Inſtances even in *Europe*, where they of one Nation having by Violence, obtained Poſſeſſion of ſome of the Cities, Towns, Lands and Territories of another, ſo as either directly to expel and drive away thoſe, who had been the Rightful Inhabitants and Proprietors, or to beget that fear in them, as to cauſe them to chuſe of themſelves, either to depart and fly from their Poſſeſſions, in order to eſcape the rage of thoſe that had invaded them, than by continuing in their legal inheritances, to become expoſed to the Luſtful Pleaſure, and cruelty of their Enemies; Yet no man ever thought, that the Title of ſuch, who upon the foregoing Motive, had abandoned, or who in the forementioned manner, had been thruſt out and forced away, became thereby Annulled and Extinguiſhed. But all do confeſs, and the practice hath been every where, and at all times accordingly, that upon the withdrawment, and departure of them who had been the Invaders and Uſurpers, the others might in the virtue of their Antecedent and Ancient Title, reaſume the poſſeſſion of what they had been either driven from, or had abandoned.

But not to trouble my Readers with *Memoirs* of that Nature, relating to *Europe*, I ſhall at once evidence and confirm what I have ſaid by two Inſtances, whereof the Firſt ſhall be in reference to a *Country*, upon the *continent* of *America*, that was once in the Poſſeſſion

ſion of another *European* Power, than that of *Spain*, and the Second ſhall be concerning a *noted Iſland* in the *Weſt-Indies*, that was heretofore poſſeſſed by the *Spaniards*, but both which are now in the rightful occupation of the *Engliſh*. The former in brief is this; Namely, that the *French* in the Reign of *Charles* the Ninth and by his Authority, as well as by his encouragement, having in the Year 1569; Tranſported 1200 Families together with 300 Soldiers, to the Northren part of *Florida*, and having there eſtabliſhed a *Colony*, between 32 and 33 degrees N. Lat. which after that Kings name they ſtiled *Carolina*, but who upon their treating the Natives injuriouſly, and thro' their having ſettled at places ſo remote and diſtant from one another, that the diſperſed and ſcattred Planters, could neither give nor receive mutual Relief nor Support, were in the Year 1573, aſſaulted and all cut off by the *Indians*, ſave one Monſieur *Chaplain*, and about 35 more, who got timely into a ſmall Ship that lay cloſe by a Fort, and therein eſcaped to the *Iſland Anticoſty*, in the mouth of the River *Canada*, yet that notwithſtanding of the ſettlement there of the *French*, and their having been once poſſeſſed of that place, the *Engliſh* are now gotten into Poſſeſſion of it, and have erected there a Noble and Flouriſhing *Colony*, the propriety whereof, was in the Year 1661 granted by *Charles* the Second, King of *England*, to ſeveral men of Quality and their Aſſociates, and whereof the *French* have never complained as of a wrong and Injuſtice done unto them. And indeed they are a wiſer People, than to be guilty of ſo great an Abſurdity,

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and they do very well know, that such a Complaint would by the *English* have been counted ridiculous, in that thro' their having been the first *Europeans* that settled there, but expelled thence by the Natives, on whom they had intruded, there neither doth arise nor remain unto them any Right of claim unto that Country, nor any exception against the Title of the *English* thereunto, who are become possest thereof with the liking and consent of the Natives.

The Second is that of *Barbados*, which the *Spaniards* having for some time settled upon, left and forsook, in order to their planting in other places in that *Hemisphere*, which they hoped would turn to better account, and prove more to their Advantage; as they did upon the like motive abandon many other places, where they had at first Sit down, which *Island* the *English* having found Unoccupied, either by them, or any other *Europeans*, and nothing left upon it, that could denominate the *Spaniards* to be Residential, or entitle them to the possession and propriety of it, save a few *Hogs*, that were never by any Laws whatsoever, reckoned proper and valuable Representatives, Substitutes and Deputies, for the keeping possession in the name and behalf of a people; the *English* thereupon entred into the *Island*, and made settlements there, which how displeasing and offensive soever it was to the *Spaniards* at first, and how ready soever they were to have Quarrelled with their *Successors* upon that head, had their Power been answerable to their Resentment; Yet they have by a solemn *Treaty* since, renounced all pretensions of Claim and

Title

Title unto it, and have acknowleged the *English* to be the Lawful Rightful Proprietors of *Barbados*. But I will insist no longer, nor add any more on this head, all that hath been already said upon it, having been done *ex Abundanti*, in order meerly to render this discourse, as particular and clear as I can; not that it was absolutely and indispensably needful towards the Justification, of the *Scots Calidonian Colony*, seeing that place was never in the possession of the *Spaniards*, But hath always continued in the possession of the *Natives*.

The point then that is next to be more narrowly enquired into, and to be discoursed with greater application, than it hath hitherto been, is to search out, assign and shew the strength of the reasons, upon which the *Scots* sitting down erecting Forts, and planting a Colony, in the place above-mentioned is founded and done. And I shall endeavour to give that detale, and to make such an enumeration and deduction of them, as shall convince the unbiassed part of Mankind, that it is both Lawfully and Legally done by *them*, and without wrong, Injury or Injustice to the *Spaniards*. It is true that I might supersede the giving my self this trouble, in that thro' the *Spaniards* charging the *Scots*, to have therein invaded their Territories and Demesns; and the *Scots* positively denying it, the proof of the Charge and Accusation should be wholly devolved upon the *Spaniards*, for that being the affirmative part of the Controversy and Question, which is that alone in any matter of debate, which is accounted capable of admitting probation, it belongs therefore unto them to

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make it good: Whereas the *Scots* by insisting and standing altogether upon that which is the *Negative* part, are both by all the *Logical Rules* of Argumentation, and by all the Methods, Measures and Standards, allowed as well as required in *judicial* Proceedings, excused from proving of their Right any otherwise, than by answering the Allegations and Exceptions which the *Spaniards* do advance against it: For the *Company* denying that ever the *Spaniards* had any possession of the place where they have planted, or the least legal Right unto, or Property in it; and the *Spaniards* alledging that they had, it doth in Law and Reason, belong unto the *Spaniards* to instruct and prove what they pretend unto, and challenge. Nevertheless, for the obviating of all Clamours, and extinguishing of all Suspicions against, and in reference to the Legality, Equity, and Justice of what the *Scots* have done, I shall put this Matter into such a shape and mould, as that the probation of it may be devolv'd and made incumbent upon the *Scots*, and the proofs thereof expected from them. That which I do therefore say and affirm, is, That the *Scots* are become rightful Proprietors of that part of the *Isthmus* of *Darien* where they are *Settled*, and that they have a good legitimate and legal Title to that *portion* of that *American Streight*, whereof they have taken possession, and are become Occupiers; and that therein they have done no wrong to the *Spaniards*, but that they are upon a better, and a more just, righteous, and legal Bottom, in reference to their *Caledonian Colony* and Plantations, than the *Spaniards* themselves are, either in relation to those

Settlements, which they have upon that *Isthmus*, or with respect to such *Colonies* which they have in any other parts of *America*. And that which I have here asserted, and with the highest confidence adhere unto my affirmation of, bears upon these *Three* following Things, which are all of them uncontestably True, demonstratively Evident, and as infallibly Certain, according to the receiv'd Maxims of Law, by which Titles, Rights and Properties are defined, decided and determined, as those Principles of Science are confessed to be, of the *whole*'s being greater than a *part*; and that where two *Propositions* are directly *contradictory*, the *one* of them unto the *other*, they cannot both of them be *true*.

The first is, that the *Natives* were not only originally the rightful *Possessors* of that place, but that they were *actually* in the *Possession* and *Occupation* of it, when the *Scots* landed and sat down there. And hereof there are *Five* undeniable proofs.

(1.) Their inhabiting in that *part* of the *Isthmus*, not only independent upon the *Spaniards*, and without their leave, but against their will, and in defiance of their Power: Nor did they only continue to dwell there, without the demanding liberty of the *Spaniards* so to do; but they had always debarr'd and shut out, nor had ever receiv'd or suffer'd the *Spaniards* to dwell amongst them. And if any thing be sufficient to declare a People to be the rightful and actual Possessors of a Country; surely the possessing it both Hereditarily from the primitive Occupiers and Proprietors of it, and pre-

preclusively of all others whatsoever, must be held and esteemed enough to do it.

(2.) That the *Native Indians* were at the time of the *Scots* landing, and of their beginning to settle, the lawful, actual, and sole Possessors of that *part* of the *Isthmus*, where the *Scots* have erected *Forts*, and built themselves Dwellings, doth uncontrolably appear, from their having receiv'd and welcom'd them, without the having had any Communication with the *Spaniards* about it, and in order thereunto, or the having ask'd liberty of them for the doing of it: For it is not only dissonant from the Custom and Practice of all People and Nations whatsoever, who are either Subjects or Tributary to others, whom they acknowledge for their Rulers and Sovereigns, to admit and receive Aliens and Foreigners calmly and tamely among them, without first sending to their Superiors, and their rightful Governors, to understand their pleasure, and to obtain their Instructions and Commands concerning, and how to behave themselves in it: But it is likewise Treason by the Laws of all Constitutions and Governments, and a Fact that is capitally punishable to do otherwise. And consequently the *Indians* on that part of the *Isthmus*, having done nothing of all this in reference to the *Spaniards*, but on the contrary, having by a Right, Power and Authority inherently lodg'd in themselves, receiv'd and welcom'd the *Scots* into their Country, convers'd with them in a friendly and peaceable manner, given them all the hospitable Entertainment, and kind liberal Supplies, Relief and Succour, which their Condition and Circumstances ena-

bled them to render, is a proof beyond the being reasonably controll'd, of their being the Proprietors as well as the Possessors of those Territories and Districts in *Darien*, where the *Scots* are settled.

(3.) There may be subjoyned hereunto, in further confirmation that the *Native Indians*, by the confession and acknowledgment even of the *Spaniards* themselves, were the unquestioned and undoubted Possessors and Occupiers of that part of the *Isthmus*, where the *Scots* have establish'd their Plantation and *Colony*, and of the Country neighbouring upon and adjacent unto it, in that the *Spaniards* have at several times *treated* with them, as with a *free* and *independent* People, and by Agreements, Contracts and Stipulations, have, upon certain Conditions and Terms, obtain'd and procur'd liberty of them, to settle Colonies within their Circuits and Precincts, and to employ People to work in such Gold and Silver *Mines*, as do lie within the Compass of their Jurisdictions. Whereof to omit other examples, I shall assign one known and public Instance, and I shall the rather do it, because it respecteth the neareſt possession of *Mines* which have been wrought in by the *Spaniards* to the place where the *Scots* are planted, of any which they can pretend to have upon the *Isthmus*. The instance and case then, in brief, is this; namely, That there being within 12 or 13 Leagues of the *Caledonian Colony*, certain Gold and Silver *Mines*, which are esteem'd as rich as are either in that or any other *parts* of *America*, the *Spaniards* therefore, to get into the Possession, and to reap the Benefit of them, instead of attempting by Power and Force, and in the way of Conquest to do it, they

they amicably addreſs'd the *Cacique*, in whoſe Territories and within whoſe Juriſdiction they lay, who was call'd *Captain Diego*, and by a Treaty and Stipulation with him, that he ſhould have a ſhare of what Gold ſhould be obtain'd, procur'd leave upon that condition to enter upon the Occupation of thoſe *Mines*; which as it is an undeniable evidence, in the Opinion and Judgment of the very *Spaniards* themſelves, that *Diego* and his People were both the rightful and legal Poſſeſſors and Proprietors of that Territory and Diſtrict; ſo the liberty that was granted unto the *Spaniards* by that *Cacique*, and the People that were under him, did no ways deſſeize him of, or eject him out of his Right, nor change, and much leſs extinguiſh his Property in that Territory where the *Mines* were. They being rather admitted as Tenants and Labourers who were to pay him a Rent in allowing him ſuch a proportion of their gains, than as Proprietors that had a legal Right and Title in them. And accordingly when the ſame *Captain Diego* found that the *Spaniards* had not only violated the Conditions upon which he had given them permiſſion to work in thoſe *Mines*, by refuſing to grant him his Tribute or Share when it was ſent for and demanded, but that they were contriving, plotting and conſpiring how to deſtroy and exterminate, or at leaſt to enſlave him and his People, he thereupon forcibly fell upon them, and drove them from thence. Which as it was done ſome little time before the *Scots* came to ſettle on the *Iſthmus*, ſo at their arrival there, they found that place, as well as all other that lay near to the ſpot where they have eſtabliſh'd their *Colony*

by *Europeans* and particularly altogether Unpoſſeſſed and Unoccupied by the *Spaniards*.

(4.) There may yet be annexed, as a further proof of the *Native Indians*, being the rightful owners, proprietors and poſſeſſors of that part of the *Iſthmus*, that they have ſucceſſively ſince the *Caſtilians* firſt diſcovery of that Country, and their Landing in it, been in terms of Hoſtility as well as of diſtance with them, who as they were never ſubdued, nor brought into that Subjection, as either Formally or Tacitely, Explicitely, or Implicitely to acknowledge the *Spaniards*, having a Dominion or Soveraignty over them, or to confeſs their being become Subjects, or Vaſſals to the *Spaniards*; So the hoſtile oppoſitions, which they have in all times continued to make againſt them, cannot be ſaid to have been a *Rebellious*, but *Juſt* and *Lawful Wars*. It being the higheſt of Nonſence to ſtile them *Rebels*, who were never *Subjects*. Yea it is to ridicule as well as to endeavour to miſlead, and impoſe upon Mankind, to beſtow that Title and Epithete, upon the Martial actions againſt the *Spaniards*, of thoſe *Darien Indians*, of whom I have been ſpeaking; it being a perverſion of Words, from their proper and allowed Signification, and the faſtning a ſence and meaning upon them, which they were never invented, inſtituted, nor agreed to bear, which is worſe than the ſpeaking unto them in a Language that is wholly unknown. In that by the *latter* we are only left under Ignorance, of what an other intends to ſay unto us; but in the way of the *former*, there is a plain deſign to cozen and

and cheat us. Nor is it unworthy of remark, that of all the *Natives* of *America*, whom the *Spaniards* have for their enemies, they have none that are more inveterately and mortally ſo, than the unſubdued *Indians* on the *Iſthmus* of *Darien*, as doth not only appear by what they themſelves have done, and continue to do againſt them; but by the encouragement and aſſiſtance, which they have at all times been ready to give, unto the *Privateers*, *Piccaroons* and *Buccaneers* of all Nations, that have within their circle ever come to aſſault and prey upon them. Witneſs what they did in the caſe of *Captain Sharp*, who having Landed at *Golden Iſland* with 330 men, and being Joyned by two *Darien Caciques*, with a good body of *Indians*, took *Santta Maria*, and made prize of ſeveral *Spaniſh Ships*; It being alſo upon the Invitation, and with the aid of thoſe *Indian Rulers*, that Captain *Sawking* aſſaulted *Panama*, the Legality and Juſtice whereof as founded upon the Authority of thoſe *Caciques*, whoſe commiſſion he had obtained, he avowed and aſſerted in a Letter to the Governor of that place.

See Hack's *collect. of Voyages, and the Hiſt. of the* Buccaners *Vol.* 2.

(5.) There remains one thing yet further to be added, in demonſtration that the *Indian Natives* are not only the True, Rightful and Undoubted proprietors and poſſeſſors of thoſe *Territories* upon the *Iſthmus* of *Darien*, of which the *Spaniards* are not become Maſters, nor have planted Colonies in them; but that they have been Openly, Solemnly and Avowedly owned and acknowledged to be ſuch, both by the *Courts* and *Civil* Judicatures of *England*. Now the caſe which I have my eye upon, and do refer unto for the ſupport of this aſſertion, being

ing ſignally remarkable in it ſelf, as well as wonderfully Pertinent, Suited and Adapted to the matter in hand, I ſhall therefore both give a brief detale of it, and endeavour to ſet in the true and beſt light that I can. The caſe in ſhort then was this; namely that the ſame *Bartholomew Sharp*, whom I have juſt now mentioned, being an *Engliſh* man, and conſequently a Natural Subject of his Majeſty of Great *Britain*, was by a *Memorial* given in by the *Spaniſh* Ambaſſador to King *Charles* the Second, complained of, for having in the time of Peace between the two Crowns, committed *Acts* of *Hoſtility* and *Piracy* upon the *Spaniards* in the *Weſt-Indies*, and thereby taken great Treaſure and Booty from them, of which Reſtitution and Reparation was demanded. Nor was it deniable but that the ſaid *Sharp*, having Joyned with the *Dariens*, who were then in War with the *Spaniards*, as indeed they always in effect are, did both invade the *Spaniſh Territories*, and attack their Ships and Veſſels on the *Coaſts* of *America*, and commit ſeveral acts of Force and Hoſtility upon them, to their very great Damage and Loſs. For which being here in Cuſtody, and thereupon Indicted, Arraigned and Judicially tried, the whole he had to plead for his Juſtification, as well as in his Defence, was that he had therein Acted upon, and in the Vertue and by the Authority of a *Commiſſion* granted unto him, by ſome of the *Caciques* of *Darien*, who were *abſolute* Rulers, and altogether *Independant* upon the *Spaniards*. Upon which *Plea*, after a fair and full Hearing and Tryal, and a due conſideration of their intrinſick Power, and independant Juriſdiction

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and Authority, in whoſe name and by whoſe *Commiſſion*, he had made War, and committed ravage upon the *Spaniards*, he was acquitted from the criminal charge of that, whereof he had been Indicted and Arraigned, and was declared *not Guilty* of the *Pyracy*, whereof the *Spaniards* had accuſed him, and complained to the King.

And for any to ſay, that the alledging of *Sharp*'s having been acquitted, upon the ground of his having acted by a *Commiſſion* from the *Darien*, is a meer *Jeſt*, as ſome have been reported to have expreſſed themſelves; I ſhall only in reference to that *Term* and *Phraſe* modeſtly obſerve, that as the matter of *Fact* in his being *Acquitted*, is certain, and that no other reaſon was then given, or hath ſince been aſſigned of it, ſave his having acted by a *Commiſſion* of a People that were abſolute within ſuch and ſuch Territories, and diſtricts, and altogether independant upon the *Spaniards*; It is too great a reflection upon the Honour and Juſtice of the Nation, the Integrity and Uprightneſs of our Judicial Courts, and upon our ſincerity in the obſervation of Alliances, to ſtile a Juridical Verdict and Sentence, a *Jeſt*, in that which was the ſole and the alone legal Foundation of and Motive unto it. And what an *Idea* would the belief of this give both *Heathen* and *Chriſtian Nations* of the World of us, and what an opinion muſt they of all Countries, where a regard to Truth and Juſtice is maintained, conceive and entertain of the *Engliſh*, if in legal Trials wherein Right is to be done to Princes in Alliance with them, Reparation to be made unto thoſe, who have been unjuſt-

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ly and injuriously, as well as egregiously, wronged; and wherein Crimes of the highest Nature and of most pernicious Consequence to Mankind ought to meet with their demerit; I say that if in tryals of that kind and importance, a sham, whim or jest, must over-rule Proceedings, and be the ground of the Juridical Decision; all which must be acknowledg'd to have obtain'd in *Sharp*'s *Acquittal*, if he came otherwise to be brought in *Not Guilty*, and to be *Discharged*, than by reason of his having *Acted* upon a Commission receiv'd from the *Darien*, as legal, supreme, and independant Rulers over that part of the *Isthmus*, where they have their Territories, and are in Possession.

So that having dispatch'd the *first* and the chief *Proposition*, and the main Particular, upon which the legitimacy of the Settlement of the *Scots* Company on the *Isthmus* of *Darien* is legally *founded*; I do in the next place proceed to the *second Proposition*, which I promised to lay down, as a further ground of their having righteously become Planters, and begun the establishment of a *Colony* in the place abovemention'd. And of this I shall give an account with more speed and ease, than I did of the former; namely, That the true *Proprietors* and lawful *Possessors* of a *Country* are *vested* with a *Power* inherent in *themselves*, by which they may rightfully and authoritatively, without being accountable to any other, *admit* and *receive* *Strangers*, *Foreigners*, *Aliens*, and others, into their *Territories*, and within their own proper and peculiar *Jurisdictions*, and allow them the *Freedom Privilege* and *Right* of *Settling*, *Inhabiting*, and *Trading* among them. For it is one

one of the first Principles both of the Laws of Nature and Nations, that they who are the original and primitive Proprietors, Inheritors, Possessors, and Occupyers of a *Country* and *Soil*, may admit, welcom, and take in others, into the Inhabiting, Planting, Cultivating, and Improving such places and parts of it, as doth neither thrust out and dispossess themselves of what is either necessary or convenient to their living safely after their wonted manner, of Plenty and Pleasure, nor which will incommodate, hurt, or endanger them in the enjoyment of what they do retain. For tho' no Man can give, dispose and alienate to another, that which he neither has in possession, nor can pretend any legal Claim of Title and Right unto, which the *Pope* both betray'd his Pride and Folly in doing, when he took upon him the granting of all the *West-Indies* to the King of *Spain*, being therein ridiculously liberal of that which did no ways appertain to him: Yet every one hath a right of bestowing upon another, what is indisputably his own, provided it be *Sine damno tertii*, without the wronging or the prejudicing a third Person, or a Party, upon whom he either depends as his Superiour, or of whose convenience he is previously obliged, either by the Laws of Nature or of Nations, or by antecedent Agreements, Contracts, and Stipulations, to take care.

Nor is this any personal or private Notion of mine, but the uniform and universal Judgment of all *Civilians*, out of whose Writings it were easie to cite many Testimonies, were it not in a manner wholly superfluous, thro' the intrinsic evidences which shine in the matter

and

and case it self. So that I shall content my self with one or two from *Puffendorf*, who is one of the most Judicious and Learned, as well as of the latest Authors that have written of the *Right and Laws of Nature and Nations*, *Ea est*, says he, *vis Dominii, ut de rebus quæ tanquam propriæ & in solidum ad nos pertinent, pro Arbitrio nostro disponere possimus: It is a necessary appendent unto Dominion, that he or they unto whom it doth properly and entirely belong, may dispose of all and every thing or things, which do fall within the compass and circle of it, to whom, after what manner, and upon what terms they please*: And as he further saith, *Ut quis rem suam possit alienare, seu in alterum transferre, id ipsum ex Dominii pleni natura resultat. Cum enim hoc Domino det facultatem de re pro Arbitrio disponendi, utique vel præcipua ejus facultatis pars videtur, si ita placeat, eam in alterum posse transferre: It belongeth as an essential property unto Dominion, and followeth from the nature of it, that he or they unto whomsoever it doth appertain, do thereby, from thence, and thereupon stand possess'd of and vested with a Right and Power of disposing, transferring, and of alienating those things they have a Right unto, and Propriety in, to what Person or Persons they shall think meet and convenient so to do.* To which might be added that of *Grotius*, who very well saith, That *Non venit ex Jure Civili, sed ex Jure Naturali, quo quisque suum potest abdicare: It is from the Laws of Nature, rather than that of Nations, that every Man may dispose of his own as he pleaseth.*

De Jure Nat. & Gent. *l.* 4. *c.* 4. §. 2. & *c.* 6. §. 14.

De Jure B. & P. *l.* 2. *c.* 4. §. 4.

Nor do the diversity of *Forms* and *Modes* of Government in and over Countries and Societies of People, any ways change and alter the

case

caſe in this particular. For be the ſupreme Authority placed in *One* Perſon, or in a *Plurality*; and be the exerciſe and adminiſtration of it, either circumſcrib'd or confin'd by Laws, or left to the Arbitrary Will and Pleaſure of him that governeth, it is the ſame thing with reſpect to that which I am diſcourſing of: Seeing what the *latter* is enabled to do, by an individual and *deſpotical* Right, in the execution whereof he acts always unaccountably, tho' poſſibly not at all times ſo wiſely; the other may do the ſame, under the direction of the Laws, and with the conſent of the People. And how much ſoever they who are cloath'd with the ſupreme ruling Power may be limited and reſtrain'd, either by the Maxims of Wiſdom and Honeſty, and by the Natural and Unwritten Laws of Humanity, Gratitude and Juſtice, or by Political Compacts, and Municipal Ordinances and Conſtitutions, from acting againſt the good Welfare and Intereſt of their Countries and People; yet all do acknowledge, that both they of the one Form and Rank, and of the other, have not only a wonderful Latitude and Liberty vouchſafed them in whatſoever is for the advantage of themſelves, and of thoſe over whom they are ſet, but that they ſtand indiſpenſably oblig'd (tho' the omiſſion of it is with impunity) to purſue and fall in with every thing that is for the ſecurity and univerſal Intereſt of themſelves, their Subjects, their Territories and Diſtricts.

All which do obtain and hold in relation to the *Caciques* and *Native Indians* on the *Iſthmus* of *Darien*, who as they have an abſolute, independant and plenary Power, to receive, give

Freedom

Freedom unto, and authorize ſuch Strangers and Foreigners, to Settle, Inhabit, and Traffick among them, as they ſhall think meet and judge it convenient to entertain and endue with thoſe privileges; ſo in no one thing whatſoever could they have more conſulted their advantage, and have acted more ſubſerviently to their own Intereſt, than in the receiving the *Scots* to ſettle among them, and to erect Forts and eſtabliſh Colonies. For beſides the Benefits which may thereby accrue to them, whereof they probably may be neither thoughtful nor ſolicitous, of being render'd a more civiliz'd People, and of enjoying means and helps for the arrival at the knowledge of the true God, and of our Lord JESUS Chriſt, and of all annexed thereunto, depending thereupon, and reſulting from thence, There are many great Secular advantages, which they will thereby become furniſhed with, and attain unto. For it is evident, how that by this means, the *Gold* and *Siver* which lies hid and bury'd in their *Mines*, and the ſeveral ſorts of Dying Woods which grow in their Fields, as well as many more Natural Productions, which their Lands do afford, beſides ſuch Goods and Commodities, as their Grounds may, by Art and Induſtry, be brought to yield and bear, will thro' Labour and Cultivation, be gain'd and improv'd both to their own benefit, and that of *European* Nations, and particularly of *Great Britain*, and the reſt of His Majeſty's Dominions, which are all at preſent of little or no uſe, ſervice or advantage, either to the Natives or to the reſt of Mankind; and that partly by reaſon of the lazineſs, ignorance and unskilfulneſs of thoſe

Indians

Indians, and partly becauſe of the want of a ſufficient number of fit and proper Hands, to turn all theſe and more both of like and of other kind of Productions, which that Country either actually doth, or by Manuring may be improv'd to afford, to a beneficialneſs either unto themſelves or unto others.

Moreover, by the *Indians* having admitted the *Scots* to ſit down and to eſtabliſh *Colonies* within their Territories, they will become ſtrengthened to defend themſelves and their poſſeſſions, againſt thoſe who have always been their Enemies; and who have purſued all the ways and means, and have improved all the advantages, which they could arrive at, either by fraud and force, for the encroaching upon their Demeſnes, and the wreſting them from them, and for the ſubduing and enſlaving their Perſons. For tho' the *Scots* are deſirous to live neighbourly, peaceably, and amicably with the *Spaniards*, and will be far from either committing any acts of Hoſtility upon them, unleſs they be firſt attack'd and aſſaulted by them (in which caſe they will be juſtifiable by the Laws of God and Nations to withſtand and oppoſe force with force) or from the countenancing, encouraging, and aiding of thoſe *Natives* who have receiv'd them, and with whom they are enter'd into Alliances, in any offenſive Wars againſt the *Spaniards* within the *Spaniſh* Colonies and Settlements, yet the *Scots* will account themſelves oblig'd in Gratitude and Juſtice, as well as by Vertue of the Covenants and Stipulations, which they have made and contracted with the *Indians*, within whoſe Juriſdictions, and near unto whoſe Territories, there

Caledonian

Calidonian Colony lies, to cover and protect those *Natives* against all the violences, which the *Spaniards* shall causelesly and injuriously offer them. Which as it will be of wonderful Defence and Security to the Natives, amongst whom they are received to dwell and to trade, against their Ancient, Constant and Irreconcilable Enemies, so it was an Act of great Discretion and Prudence, in those *Indians*, that they have upon the said prospect and motive, welcomed the *Scots* into their Country, and admitted them to Plant, and to erect Forts within their precincts.

Hereunto may be added, that it is upon the Foundation and *Basis* of the *Native Americans*, having an Intrinsick and Legal power of receiving Foreigners and *Aliens* among them, and an indubitable and unquestionable right of allowing them a freedom, to settle in their Countries and within their Territories, either upon the Continent, or in Islands, that all the Plantations of the *Europeans*, and particularly of the *English* in the *West-Indies*, are rendred Lawful and Just in the sight of God and of men.

For whereas the *English* were not the primitive Inhabitants, nor the Original possessors of those *American* Provinces, nor of several of the Islands, where they have now many and large Colonies and Plantations; they must either be accounted violent Invaders, and unrighteous Usurpers of those Territories where they have settled and Planted, or they must derive their Right and Title to their being there, from some *Act* of the Natives importing their *Consent* to receive them; which the *Indians* cannot be allowed

lowed to have been capable of giving, without a previous ſuppoſed right in them ſo to do. Yea, the very *Spaniards* upon their firſt diſcovery of *America*, pretended no otherwiſe to ſettle there, than with the Allowance and Conſent of the Natives, as I have intimated before in and from the acknowledgement of *Columbus*, who was the diſcoverer of the *Weſt-Indies*, as it is recorded by *Herrera*, the *Spaniſh* Hiſtorian: Tho' it muſt withal be confeſſed, that they did not proceed upon that principle; but that into whatſoever places they were ſuffered to come, and were received by the *Indians*, they did there eſtabliſh themſelves by Violence, and thro' unjuſt Wars, and upon the Enſlaving, Maſſacring and Exterminating of the Natives.

There remains yet one *Propoſition* more, which is the *third* that I Promiſed to lay down, in order both to the repreſenting within a narrow view and compaſs, the whole legal ground and foundation, upon which the *Scots* ſettlement is Superſtructed and Built, and for the demonſtrating that their Planting in that place of the *Iſthmus* of *Darien*, is according and agreeable to the Laws of Nations, and conſequently Lawful, Juſt and Blameleſs, unleſs vitiated and rendred Illegitimate, and Culpable thro' the Violation of ſome Articles of *Alliances*, between the Crowns of Great *Britain* and of *Spain*, which I ſhall afterwards invincibly ſhew that it is not. The propoſition then, (and without which, the two former would be of no ſignificancy nor ſervice, to the deciſion of the Queſtion under debate) is, that the *Scots* have had the Leave and Conſent of the *Natives*

for their *Setting down* and *Planting* in the *place* above-mention'd, and that they have neither forcibly *Invaded* thoſe *Indians*, nor by *Fraud* or *Power* wreſted that *part* of their *Territory* from them; but that whatſoever they are become poſſeſs'd of, was by a *Grant* and *Conceſſion* of it from thoſe *Natives* within whoſe Juriſdiction it *lyeth*. For whereas the *Scots* did not find the place *void*, but that it was preoccupy'd by the *Natives*, who were the true Proprietors of it, as well as of the Country adjacent thereunto, it is impoſſible that the *Scots* ſhould have any Right and Title, for Sitting down and erecting Forts there, unleſs in the way of *Conqueſt*, *Surrender*, or *Conſent* of thoſe who were the antecedent Inhabitants and Owners, theſe being the all and the only ways met with and known in Laws, whereby the ſubſequent Comers into a Country already poſſeſs'd and occupy'd, can acquire a Right and Title for Sitting down and becoming Reſidents. And as the *Scots* do wholly renounce all pretence and claim of *Conqueſt*, as the Ground and Foundation of their Settlement there; ſo they do not challenge a Poſſeſſion, either of that particular place, where they have erected their Works and made themſelves Dwellings, or of any part of the Country that neighboureth unto it, by and upon a plenary and full *Surrender* of it to the *Calidonian* Company, and excluſive of the *Natives* retaining any Right in the place, ſave as the *Scots* ſhall amicably indulge and gratuitouſly allow them; but the whole which they plead, is a *Grant* from, and *Conſent* of thoſe *Indians*, who were the primitive and rightful Proprietors, for their

ſitting

ſitting down in that part of the Country, and for the cultivating and improving it to their own uſe and benefit, and for the taking in ſuch other places within their Territories as they ſhall judge meet, and find themſelves in a condition to dilate, ſtretch and extend their Colony unto. And the preſent *Natives* of that place, and of the Diſtricts about it, being as free from any ſubjection unto, or dependance upon the *Spaniards* who do at this time poſſeſs and occupy any Colonies upon the *Iſthmus*, as the Anceſtors and Predeceſſors of the *former* were at any ſeaſon heretofore from and upon thoſe of the *latter*, it doth by a neceſſary conſequence follow, and become naturally deducible from thence, that the *Scots* coming to *ſettle* with the conſent of the *Caciques*, and of the *Indian People* under them, muſt thereupon be in the like condition with the *Natives*, and no ways liable to any claim of the *Spaniards*, more than the *Indians* were and are, and therefore not to be held concerned in, or made cenſurable upon any complaints from the Court of *Madrid*.

And that the *Scots* have the *conſent* of the *Natives*, for whatſoever they have done in that part of *America*, I ſuppoſe no Man will betray ſuch reproachful Ignorance of the preſent tranſactions of the World, or ſhew ſo much impudent effrontery, as to deny it: Nevertheleſs I ſhall ſo far ſupererrogate, as to give ſome demonſtrative and undeniable proofs of it. For ſo prudent and diſcreet, as well as calm and temperate were they, who Commanded the Ships that Sail'd thither, and arriv'd on that Coaſt about the beginning of *Novem-*

ber, 1698; and particularly they who were ſent along in them to have authority over ſuch as were to land, and to be *directors* of the *Colony* that was to be eſtabliſh'd, in caſe they were receiv'd and welcom'd, that notwithſtanding of Diſtempers, that were among them, as well as of ſeveral other inconveniences, under which they labour'd, as alſo notwithſtanding their having both a good Naval and a Land Force, they would not ſo much as enter into the Port or Haven, or attempt to ſet any Body of Men on ſhore, until they were encourag'd thereunto by the Natives, and having had ſome of them on board their Ships, were invited by them to do it, and withal told that they were very welcome, and that they had long expected them.

Yea, ſuch was their care, circumſpection and tenderneſs of eſcaping the very ſuſpicion of Invading that part of the *Iſthmus*, to which they had directed their courſe, and upon the particular Coaſt whereof they fell in, that they would not diſembark any of their Military Forces, and Companies of Soldiers, until by ſome of the Principal among them, who went on ſhore with the Indians, that had viſited them on board their Ships, they had obtain'd a Meeting and Congreſs with the *Cacique* in whoſe Territory the Port lay, and had both receiv'd his *Conſent* for their landing within his Diſtrict, and had concerted the terms for their Settlement within the bounds of his Precincts; which *Cacique*, being one call'd *Captain Andreas*, did upon the ſecond Meeting and Congreſs between the *Scots* and *Him*, not only agree to receive them into any part of his Country they would

would chooſe to ſettle in; but took a Commiſſion from them, promiſing that both himſelf, and thoſe under his Authority would aſſiſt and defend them with the hazard and at the expence of their Lives.

To which may be added, how that beſides their daily and friendly Converſation and Intercourſe together, both at firſt and all along ſince teſtify'd on the part of the *Scots*, by their preſenting the Natives with ſuch things, as might be moſt acceptable and pleaſing unto them, and witneſſed on the part of the *Indians*, by their ſupplying the *Scots* with ſuch Proviſions and Eatables as they either bred or could catch in Hunting, which they could ſpare out of their bare and daily Livelihood and Subſiſtence; I ſay that over and above all this, tho' a ſufficient indication and proof of the *Natives* receiving them into their Country, and of their giving their *conſent* to the *Scots* landing and ſetling among them; There was a formal *Compact* and *Stipulation* tranſacted in the moſt ſolemn manner, between *Captain Andreas* and them, and which was *ratify'd* on the part of the *Scots*, by their giving unto *Captain Andreas* a *Sword* and a pair of *Piſtols*, and confirmed on *his part* and that of the *Indians*, by their delivering a piece of *Turf* and *Twigg* unto the *Scots*, in token of the Grant which the *Natives* had made unto the *Scots* of a liberty to ſettle and eſtabliſh a Colony in their Country.

Moreover in further evidence, that the *Scots* have Erected *Forts*, and Planted their *Caledonian* Colony with the *conſent* of the *Natives*, I ſhall finally obſerve, how that upon the approach of the *Spaniards* with ſome Military

Forces, to have either ſurprized the *Scots*, or in a fair encounter to have beaten and drove them from thence, the *Indians* in that diſtrict were unanimouſly ready to have joyned them againſt the *Spaniards*, and actually did ſo with ſuch a Number of their beſt men, as the *Scots* out of a great Multitude that offer'd themſelves, Judged convenient to entertain and receive. Among whom as there was the *Cacique*'s own Son; ſo both *he* and *all* the reſt of the *Indians*, that marched in conjunction with the *Scots* againſt the *Spaniards*, behaved themſelves with great Fidelity, and with as much Bravour, as the ſudden flight of the *Spaniards*, would allow them occaſion and opportunity of Manifeſting.

So that upon the whole, I may now venture to conclude, that the ſettlement of the *Scots* on the *Iſthmus* of *Darien*, is not only according to the *Laws* of *Nations* Juſt and Lawful, and no ways Injurious to the rights of any, and that they have in all the ſteps which they have therein taken, proceeded according to the Rules and Meaſures, by which all the *European* Nations, who have eſtabliſhed Plantations in any parts of the World, do both Vindicate themſelves from obnoxiouſneſs to blame in what they did, and do Juſtifie their claim of Right and Title unto them, and for the defending and upholding of them: but I may preſume with Modeſty, as well as with Truth, further to affirm, that there never was a Plantation or Colony ſettled by any Nation whatſoever, or in any part of the World whatſoever upon Juſter principles, or whoſe eſtabliſhment hath been tranſacted, with more

Fairneſs

Fairneſs and Candor, and with all due reſpect to the reaſonable pretences of every one that had but a ſhadow or ſeemingneſs of claim, as well as with a tender and full regard to the property and right of the Natives, whoſe both conſent and entreaty they have for authorizing them in what they have done.

Having then fully both declared and demonſtrated the legality of the *Scots*, having Planted a Colony on the *Iſthmus* of *Darien*, and given a deduction of the grounds of Law and Juſtice, upon which that eſtabliſhment is Founded and Built, and by which it is evidently vindicated, from all the exceptions and complaints that are or can be made againſt it by the *Spaniards*, or by any others charging it as unlawful, invaſive and criminal: It may poſſibly be ſaid in favour of the *Spaniards*, that tho' there be no Uſurpation made thereby upon their *Rights*, yet thro' the *Adjacency* and Nearneſs of that Plantation, to the *Colonies* which the *Spaniards* are allowed to be rightfully poſſeſſed of, upon the *Iſthmus*, the *Scots* have not acted ſo Kindly and Amicably, as might have been expected from the ſubjects of a *Prince* and *Potentate*, who is in a firm Alliance, and under all the bonds and meaſures of Friendſhip, with his *Catholick Majeſty*. And therefore that tho' that *Settlement*, be neither againſt the Laws, nor the Rules of Juſtice, yet it is a Violation of thoſe terms of Decency, and of *Bienſeance*, which ought to be obſerved among *Monarchs*, that are ſo cordially United in Royal and Brotherly Correſpondence and Amity, as his *Britannick Majeſty* and the *King of Spain* are known to be. But in

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reference to that allegation, there are ſeveral things which lie obvious to be offer'd.

Namely, That by this *exception*, the *Scots* are only cenſurable for having treſpaſs'd againſt the Ceremonies and Punctilio's of what is call'd Genteel and good Breeding: But not for having offended againſt the Rules of Juſtice, or for having violated the Laws of Property. So that tho' they may not have acted ſo mannerly as ſome People would have had them, yet they have done nothing that is unlawful and unrighteous. Nor was it hitherto ever expected, and much leſs requir'd, that a Nation, rather than to be deficient in a Complement, ſhould both neglect and abandon their Intereſt. Moreover, whatſoever reſpect the Subjects of any Soveraign ought to have unto the Rules of complacence, and the ceremonies of Royal Courtſhips, by and according to which Crown'd Heads do conduct and govern themſelves towards one another, while Matters regarding the Benefit and Proſperity of a Kingdom do fall within the compaſs of the perſonal tranſactions of a few, or do lie under private debates, and antecedently to their being digeſted and concerted into Parliamentary *Bills*, and before thoſe *Bills* be ratify'd into Laws, and paſs'd into *Acts*; yet there is no deference of that Nature payable, nor any obſervance to be had of meer ceremonies of Courtſhip, after they are diſpenc'd with, and ſuperceded by a *Statute*, and the affair wherein they were to have been practiſed, is become authorized by a Municipal Law.

Further

Further it must necessarily also be granted, that the place where the *Caldonian Colony* is establish'd, is no nearer to the *Spanish* Plantations, by its being in the Hands of the *Scots*, than it was while in the alone and sole Possession of the *Natives*. Nor is there so much reason or cause, why the *Spaniards* should fear the meeting with any thing that may be uncivil or hurtful from the *Scots*, as they had reason to apprehend and dread from the *Indians*, in that the *latter* are not only a rude and barbarous People, but their ancient, inveterate, implacable and mortal Enemies; whereas the *former*, are both a civil, generous, and Christian People, trained up in all the measures of Humanity, good Breeding, Morality, and Religion, and governing themselves by the Laws of Revelation, as well as of Nations, and who withal have never been in War, nor are desirous to have any Hostility with them.

Yea, the *Alliances* between the *Crowns* of *Great Britain* and of *Spain* ought to obviate all Jealousie in the *Spaniards*, of their having any thing that is either undecent or injurious offer'd unto them by the *Scots*, who are Subjects under a Monarch that is in affinity with His *Catholick Majesty*. Whereas thro' want of Leagues and Stipulations between the *Spaniards* and those *Indians*, into whose Territories the *Scots* are receiv'd, they had ground of being always and justly suspicious, that such mischiefs would be done them, as the power of those *Natives* could enable them to attempt and execute.

Further, if the *adjacency* and nearness of the *Scots Plantation* unto the *Spanish Colonies* prove matter of offence unto the *latter*, and of complaint

plaint againſt the *former*, the fault thereof is wholly to be lodg'd upon the *Spaniards*, and therefore the blame ought entirely to fall upon them. Seeing whatſoever the *Scots* are come into the poſſeſſion and occupation of, they have a juſt and legal Right thereunto, from the grant and conſent of the *Natives*, who were the undoubted and true Proprietors thereof; whereas the whole which the *Spaniards* do there poſſeſs, and all the Colonies which they have ſettled, hath not only been done without the leave, but againſt the will of the ancient and rightful Owners. So that by reaſon of the badneſs of their Title, which flows from Uſurpation, and is built upon their having unjuſtly invaded what belonged unto others; the whole of a reaſonable Accuſation, and of a juſt Complaint, doth lie againſt them, and their Plantations; whereas the Title of the *Scots* proving legal and good, thro' their having come to inhabit and ſettle with the allowance, and upon the invitation of the *Indians*, the *nearneſs* of their *Colony* to thoſe of the *Spaniards*, doth not make them or it obnoxious to any juſt and rational Expoſtulations or Remonſtrances.

Nor is the caſe of the *Spaniards* made better becauſe of their Colonies being eſtabliſh'd long ago, or the condition of the *Scots* render'd worſe, by reaſon of their having but lately begun to ſit down, and to plant; in that the *Title* of the *one* is good from the firſt moment; whereas no length of time can ever make the claim of the other juſtifiable: For as all Lawyers do ſay, and particularly *Grotius*, That *tempus in ſe nullam habet vim effectricem*, that

that a poſſeſſion which is acquir'd unjuſtly at firſt, can never be render'd juſt by a continuance in the long occupation of it: So a Title unto a Place, and a Right in a Settlement, by the grant and with the conſent of the true Proprietors, is equally good, juſt and valid in Law the firſt day, as it will be after the having been inherited a Thouſand Years.

Moreover, there is not that nearneſs of the *Caledonian Colony* to the Plantations which the *Spaniards* have upon the *Iſthmus* of *Darien*, as ſome thro' ignorance of *Maps* and unacquaintedneſs with *Journals*, may, upon a general noiſe and clamour, be inclin'd to imagine; ſeeing none of the Settlements, which the *Spaniards* have, and whereof they are in the actual poſſeſſion and occupation, are within leſs diſtance than fifteen or ſixteen Leagues of the *Scots* Plantation, which is enough not only to ſilence the report, and to put an end to the pretence of the adjacency between the Colonies of the one and the other, but for the giving large bounds for determining between their Properties and Juriſdiction, and for chalking out limits of diviſion and ſeparation betwixt what can any time reſonably ariſe, and come to be their ſeveral and reſpective Claims. And as they who would extend their pretence of Right and Juriſdiction fifteen or ſixteen *Leagues* beyond what they are actually poſſeſs'd of, may as well enlarge it to a *thouſand*; ſo neither do the Titles of Princes unto their various and different Dominions and Territories depend upon the nearneſs unto, or the remoteneſs of their Lands from each others, but upon the legal Property which they have,

and

and their being either in the actual poſſeſſion of them, or of Countries, Cities, Towns, or Places, upon which they do depend, or upon the retaining a claim by vertue of an hereditary Right which they have not renounced. But they muſt not only be ſtrangely unacquainted with *Hiſtories* as well as with *Maps*, but ſtand ignorant of what every Traveller can inform them, who do not know that even in *Europe* there are Soveraign Juriſdictions and Principalities, ſurrounded by and incloſed within the Dominions of other Princes, whereof among many others, *Orange* and *Avignion* are undeniable Inſtances. Nor is it poſſible to be avoided, but the Lands and Territories of all Neighbouring Princes whatſoever, who do live upon *Continents*, muſt be *Contiguous* in ſome one place or another. And tho' the limits of ſome Princes Countries, may in ſome places be divided from thoſe of other Potentates by ridges of Mountains, or by conſiderable Rivers; yet for the moſt part they are no otherwiſe diſtinguiſhed and ſeparated, than by a road, a hedge, a brook, or by erected Pillars of wood, or by ſtones which are ſet up here and there.

Finally that wherewith the *Scots* ſtand charged, and whereof they are in this particular accuſed, is no more than what is practiſed by all *European* Princes, and States in moſt parts or the World, where they have ſettled Colonies and Plantations, and that without the Infraction of the bonds of Amity and Alliances between them, or the being thought to treſpaſs againſt the rules of Decency and Reſpect, which the Rulers of Kingdoms and Republicks,

ſicks, are accuſtomed to render to each other, of which it were eaſy to aſſign many undeniable inſtances, but I ſhall confine my ſelf to a few. 'Tis ſufficiently known, that all along on the *Coaſt* of *Africk*, and particularly on the River *Gambe*, the *Engliſh*, *French*, and other *Europeans*, have their ſettlements intermixed and contiguous, without clamouring againſt or Impeaching of one an other, on the ſcore of Adjacency. Nor is it to be denied, but that as *Ceuta*, *Tangier* and *Mamora*, do lie in the boſom of the Empire of *Morocco*; ſo that they have been poſſeſſed by, and have belonged to different *European* Potentates, without their complaining of one another upon that Motive. Neither is it to be in the leaſt contradicted, but that the *Engliſh* and *French* have their ſeveral and reſpective *Plantations*, on the *Iſland* of *Newfoundland*, where, ſave in the time of actual War, between theſe two Crowns, they live in all friendlineſs together, each of them following, carrying on, and promoting their ſeveral *Fiſheries*, in and by which as many Seamen are bred as well as employed, and Navigation greatly encreaſed, and Multitudes of Ships advantageouſly uſed; ſo with a little coſt that is disburſed on *Nets*, and on *Diet* for Saylers, (which alſo turns to a National benefit and gain) there is more Wealth floweth annually into the Kingdom, or at leaſt might, if that *Trade* were encouraged, and cultivated as it deſerveth and ought to be, than by any one branch of our Manufacture whatſoever, to the Fabricking whereof to make it Mercantile, there is ſo much previous expence required. The ſame might be inſtanced with reſpect

respect of the *Island* of St. *Christopher's*, which belongeth half no the *English*, and half to the *French*, tho' neither of their shares be well peopled or Cultivated.

Whereunto may be also added, that the *Dutch* and *Portuguese* have their different and respective *Plantations*, on the coast of *Brasile*, without any misunderstanding or quarrel between them on that account, and to which the *Spaniards* do pretend as much *Right*, as they do to the *Isthmus* of *Darien*. Yea the *Island* of St. *Thomas*, which is Possessed by the *Danes*, is not far distant from *Porto Rico*, which is in the occupation of the *Spaniards*; as also very near unto St. *Thomas*, lyeth the *Crab Island*, which is pretended unto not only by the *Spaniards*, and the *French*, and particularly by the *Danes*, but likewise by the *English*, who were once Possessed of it, and which I do wonder they endeavour not to repossess themselves of, seeing as it is now void, so it is of very great importance in it self, and would be of wonderful usefulness to their *Plantations*, were it in the *English* hands, and secured by a good Military force, without which they well be sure to be Murderd in, or soon drove out of it by the *Spaniards*, that inhabit *Porto-Rico*.

And to conclude this *Paragraph* with one instance more, it is observable that whereas the *English* (as I intimated before upon another occasion) were in actual Possession of all the places adjacent to, and Snrrounding the *Mouhados*, which lies betwixt *long Island* and the *Main*, and is sometimes reckoned a part of *long Island*, the *Dutch* finding it unoccupied either

either by the *English*, or by any other *Europeans*, sat down and settled a Colony upon it, in a time of Peace between his *Britannick Majesty* and the *States* of *Holland*, and called their chief Seat and Fortification there, by the name of *New Amsterdam*, tho' it was wholly encompassed by, and in some places immediately bordered upon the *English Colonies*, without so much as the interposure of a River. Whereof the *English* were so far from complaining, and much more from making it a matter, and cause of Hostility between the *English* Crown, and the *Belgick Republick*, that even upon breaking out of the War 1672, when all things were alledged, that could administer the least shadow for Justifying the commencement of it, on the part of the *English* who were the Aggressors, that of the *Dutch* having settled on the *Mouhados*, was not so much as once mentioned, nor in the Treaty of Peace in the year 1677, was it ever brought under *Debate*, in the Congress between the *Plenipotentiaries* of *England* and *Holland*. But after the re-entrance of those two powers again into terms of Amity, it was by a private capitulation at *London* in the end of that year, exchanged (as I have already said) for *Surinam*.

Now the foregoing *Exception* made by the *Spaniards*, in relation to the *Scots*, having acted, if not unjustly, at least very disingenuously, and unkindly in the *settling* of a *Colony* so *near* unto there *Plantations*, having been fully considered in the last Paragraph, and the weakness and vanity of it so abundantly laid open and Manifested, that no man will offer to revive and insist upon it for the future, without incurring the forfeiture

of

of his reputation, I ſhall now proceed to examine the Pretenſion and Allegation, of its being an *Infraction* of the *Treaties* and *Alliances* between the *Crowns* of *Great Britain* and of *Spain*; for the *Scots* to have Landed and begun to eſtabliſh a Colony, upon any part of the *Iſthmus* of *Darien*. And I ſhall the rather bring this to an exact Scrutiny, and under a particular and accurate diſquiſition, in that it hath been diſtinguiſhingly mentioned, and poſitively aſſerted in the *Memorial* that was preſented to his *Majeſty*, by the command and in the name of the *King* of *Spain*. In which that *Fact* of the *Scots* is ſtiled *La rupture de L'alliance qui a eſte toûjours entre ces deux Couronnes, Laquelle ſa Majeſte d'Eſpagne a obſervée juſques icy, & obſerve tousjours fort Religieuſement, An Infraction of the Alliance which is between the two Crowns, which His Spaniſh Majeſty hath hitherto obſerv'd, and will Religiouſly do ſo.* Which Reſolution of His *Catholick Majeſty* to keep and withal ſacredneſs to obſerve the *Alliances* which he or his Predeceſſors have made with the *Kings* of *Great Britain*, as it is Noble, Princely and Chriſtian (and which I wiſh the Crown of *Spain* had better attended, and acted more conſonantly unto in their proceedings ſince in relation to this affair, but which hereafter we ſhall ſhew that they have not) ſo it deſerveth to be correſponded with, and anſwer'd in the ſame manner, and with the like meaſures of Friendſhip, Honour, Veracity and Religion. Nor is there any thing more diſgraceful and ignominious in the eſteem of Men, as well as ſinful and criminal in the ſight and account of God, than for *Monarchs* to violate their Roy-

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al Compacts and Agreements, whether with one another, or with their own Subjects, without provocations administred to them, whereby the Confederacies and Covenants do become causally and morally dissolv'd. And if it be universally acknowledg'd, that *Potentates* having made *Compacts* with their own *Subjects* are bound in Justice, as well as in Truth and Honour, to perform them; much more must it be confess'd, that they are oblig'd to keep and observe the *Agreements* which they have made with *Princes* and *States* that have no dependance upon them, but are upon an equal foot with themselves. Yea, if a King cannot without Iniquity *violate* an Agreement which he hath made, with *Subjects* that had been *Rebels*, so as afterwards to punish them for that Rebellion, in reference to which the *Stipulation* was, as being pardon'd by the Tenor, and in the vertue of the *Treaty*; much less can he break the *Articles* of an *Alliance* with Soveraign *Rulers*, who tho' they may have been Enemies unto him, could never have been *Rebels*.

Nor are any Persons whatsoever, so much concern'd to be exact and punctual in keeping their Faith and in performing of their Promises as *Princes* are, and that upon the Motive of Credit and Reputation, as well as by reason of the obligation of Conscience: For as *Padre Paolo* says (alluding to a passage of *Livy*) *That a Prince who violates his Word, must invent a new Religion to make himself believ'd another time, seeing the Oaths he made in the Religion he profess'd, have not been able to bind him*; so there is more in that of *Tacitus*, than many are aware

His Opinion to the *Venetian Inquisitors of State*, p. 24. Eng. Edit.

ware of, namely, *Cæteris mortalibus in eo ſtare*
Annal. lib. 4. n. 40. *concilia, quid conducere ſibi putent principum di-verſam eſſe ſortem, quibus præcipua rerum ad famam dirigenda: That while all others may adapt their Projections and Conduct to their Intereſt, it behoveth Princes to calculate their Deſigns, and to manage all their Tranſactions and Adminiſtrations in ſubſerviency to their Honour and Glory.*

And as both a *German* Emperor, and a King of *France* are reported to have ſaid, That if Faith and Truth were loſt in the World, they ought to be found in the words of Kings; ſo whatſoever *Stipulations* have been made with the Crown of *Spain*, by His Majeſty's *Predeceſſors*, as they were the Governors of theſe Kingdoms, and the Rectors of the People; they do no leſs oblige *him* who ſits upon the Throne, than if they had been firſt ſtipulated, and immediately contracted by *himſelf*. And as all the *Leagues* which are by *Civilians* ſtil'd *Real*, do not only oblige the Contractors, but thoſe who ſucceed unto them in the governing Power, unleſs it be otherwiſe provided in the Articles of the Alliance, ſo all ſuch Treaties ought to be even obſerv'd by them that are their Subjects, and that upon the Motives and Obligations of Conſcience, as well as upon the Foundation and Reaſon of their Civil and Political Obedience, which they are to render unto his Commands in the vertue of his Authority. For ſuch Treaties and Alliances being tranſacted in the force of that political Power wherewith Rulers are veſted over their Subjects, and being concerted and made, with reſpect to the benefit and advantage of their People, they are, in the conſtruction

ction of the Laws, and in the opinion of Nations, the acts of the People themſelves, no leſs than they are the deeds of thoſe who are their Soveraigns. And indeed that is rightful ly ſuppos'd to be the *Fact* of the *Community*, which is done by the *Supreme Ruler* in the vertue of the Authority that is ſtated in him by the Laws, and conſequentially to that Truſt which the Subjects have repos'd in him. So that ſhould the *Scots*, thro' their *Settling* at *Darien*, appear to be guilty of having violated any *Articles* of ſolemn *Treaties*, and of having acted contrary to any *Clauſes* in public *Leagues*, they would therein not only have done what was *injurious* to the Crown of *Spain*, but that which was both diſloyal and diſhonourable to their own *King*. And as the *Fact* in the criminalneſs of it, doth originally and immediately only affect the *Scots*, and is no ways imputable unto His *Majeſty*, ſave as he ſhould, in caſe it be a treſpaſs againſt Treaties, ſupport and protect them in it; ſo they are bound both out of the Duty which they owe to His *Majeſty* as their Soveraign, and in Equity as well as in Deference to the King of *Spain*, either to return home from *Darien*, and abandon their Deſign, or elſe to vindicate themſelves from having done any thing in that matter, whereby Treaties and Alliances are violated. And if they cannot do the *latter* nor will do the *former*, His *Majeſty* will not only be highly juſtifiable in the diſclaiming to countenance and defend them, but he will be oblig'd in Truth, Honour and Juſtice, to exert that Authority and Power which are plac'd in him over his People, for to ſee right done unto the King

of *Spain*, and reparation made unto the *Spaniards*.

But that His *Majesty*, instead of falling under the necessity of doing a thing of that nature, which will both so much injure, disoblige and disgust the *Scots* Nation, I shall endeavour to make it evidently appear, that he may not only uphold and protect them, without either prejudice to his own Reputation and Glory, or any wrong done to the King of *Spain*, who is his Allie, but that he is indispensably oblig'd as he is their King, as well as in pursuance of an Act of Parliament, and of his own Royal Grant, to cover them from all the violences which shall be offer'd unto them. And this I shall do by demonstrating that the *Fact* of the *Scots*, in their Landing and Settling at *Darien*, is no ways inconsistent with, nor done in violation of any *Leagues*, *Treaties* and *Alliances* betwixt the Crowns of Great *Britain* and of *Spain*. And here I must challenge the taking it for granted, that there are no *Treaties* between the *Kings* of *England* and of *Spain*, but what are *publick*, and which all Men are or may be acquainted with. For if Laws themselves, in the judgment of all Mankind, do not bind and oblige, antecedently to their being promulgated and publish'd; much less are Subjects concern'd in the observation and keeping of *Treaties*, unless they have had due information and notice given of them. And should it be granted, that such *Federal Contracts* which *Civilians* stile *Personal*, and which do only respect the particular benefit of those Princes who do contract them, and do terminate in their single and personal Interests, without either affecting

their

their People, or their Heirs or Succeſſors, I ſay ſhould be it allow'd, that there is no neceſſity why theſe Stipulations ſhould be promulgated and made publickly known; yet it is abſolutely requiſite, that ſuch Agreements and Compacts ſhould be ſo divulged as that they may be generally underſtood, wherein the ſeveral reſpective Intereſts of many and various Kingdoms and Dominions, and of different and diſtinct Soveraigns are both involved and adjuſted, and whereby the carriage and behaviour of their People and Subjects ſtand regulated towards one another in ſuch and ſuch parts of the World; and ſuch are the Leagues and Alliances pretended and referr'd unto in the caſe before us.

Now the only Treaties between the *Kings* of Great *Britain* and thoſe of *Spain*, by which both their own, and their Peoples reſpective concerns in *America* are adjuſted and regulated, and the carriage of their *Britannick Majeſty's Subjects* towards the *Subjects* of their *Catholick Majeſtie*, and reciprocally of the Subjects of the *Spaniſh Monarchy* towards *them* of Great *Britain*, and of the Dominions thereunto belonging, ſtand directed and are made governable, are the Treaties of *May* 13. 1667, and of *July* 8. 1670. Which as they are the only *regulating Treaties* between the two formention'd *Monarchs* in relation to their ſeveral Dominions, Provinces and Poſſeſſions in *America*, ſo it is by applying unto and conſulting thoſe *Two Treaties*, that we are to examine and decide, whether the *Scots* in their having landed and begun to eſtabliſh a *Colony* upon the *Iſthmus* of *Darien*, have made themſelves guil-

ty of the *Infraction* of *Alliances*, which I do pſitively affirm, and ſhall demonſtratively prove, that by thoſe *Facts* they have not done, nor ought to be ſo repreſented or eſteemed. Seeing it will uncontrolably appear unto every one that will afford himſelf time and leiſure to view the *Treaties*, and to peruſe the Articles concerted and agreed in them, that they were meerly *declarative* of what was confeſs'd to be in the legitimate and rightful Poſſeſſion of thoſe two Kings, and *regulative* of what ſhould be the behaviour of their ſeveral and reſpective Subjects towards each other in *America*, as alſo *reſtrictive* with reference to their Claims of any Title or Right to the Provinces, Iſlands and Territories, which either of them were in the poſſeſſion and occupation of; but that they were in no ways or manner *exceptive* of, or *preclusive* from their ſettling Plantations in ſuch other Conutries, Diſtricts and Places, as were neither poſſeſs'd and occupy'd by them, nor by any other European Princes or States.

And whereas the *Treaty* of 1670, is that whereby the mutual Intereſts and Poſſeſſions of the *Kings* of Great *Britain* and of *Spain* are provided for and adjuſted, it may not be amiſs to intimate, the occaſion and reaſon of thoſe *Regulations*, which were concerted and made by that *Alliance*. Namely that the *Crown* of *Spain* having antecedently thereunto laid *Claim* to all *America*, as of right belonging unto His *Catholick Majeſty*, and having accounted all the Settlements of every one elſe, and particularly of the *Engliſh* within that vaſt *Continent*, as likewiſe in the *American Iſlands*, to

have

have been ſo many Invaſions upon their Right, it was concerted and agreed *by that Treaty*, that this univerſal claim and pretence of Title of the *Spaniards* ſhould be renounc'd and diſclaim'd. And that the poſſeſſion of the *Crown* of *England* in ſuch *Territories* and Places where the *Engliſh* had planted, ſhould be confeſs'd and acknowledg'd to be legal, rightful and good. Which was the ſole and alone buſineſs that was deſign'd and compaſs'd in the forementionn'd Treaty. For whereas by the *Treaty* of 1667, there was only a general and perpetual Peace concluded and eſtabliſhed between the Dominions and Territories of Great *Britain* and thoſe of *Spain*, without the particularizing of any thing that reſpected their ſeveral Plantations in *America*. And whereas the Kings of *Spain* had always queſtion'd the *Right* of the Kings of *England* to their *American* Plantations, upon the ground of an univerſal Title, which they claim'd to all the *Weſt-Indies*, and had particularly controverted the Right of their *Britannick Majeſties* to ſeveral Plantations which had been made by the *Engliſh* in the *American* part of the World, upon pretences and allegations, that the *Engliſh* had forceably drove out the *Spaniards*, and thereupon gotten into poſſeſſion of ſeveral places that had formerly been enjoy'd and occupy'd by them; therefore it was that upon theſe conſiderations, that whole matter came under particular Regulation and Adjuſtment in the Treaty of 1670; in and by which the Right and Dominion of the King of *Spain* in thoſe Countries, Iſlands, Provinces and Territories, whereof he was poſſeſſed, and ſo far as they

inert in the actual occupation of the *Spaniards*, being confeſs'd, and proviſion made for their quiet and peaceable enjoyment of them: There was likewiſe a formal and explicite *Renunciation* of all Claim made by the *Spaniards* to whatſoever was in the Engliſh poſſeſſion; but not one word or ſyllable, ſo much as once mention'd in that whole *Treaty*, concerning and relative to ſuch parts and places, as were not at that ſeaſon in the occupation of the one or of the other.

Nor can it, in conſiſtency with good Sence and Reaſon, be imagin'd, But that if the Right of the King of *Spain* to all thoſe Territories and Diſtricts in *America*, which were neither in the actual occupation of the *Spaniards*, nor of any other European Princes and States, ſhould by that Treaty have been acknowledg'd to appertain and belong to the *Crown* of *Spain*, their Title thereunto would have been ſpecially inſerted and declared, with an expreſs excluſion of all others, that ſhould afterwards deſign to be Planters in thoſe void places of the Continent and Iſlands of *America*. Nor is it to be doubted, that if the Right of the *Spaniards* had been to be confeſs'd and own'd in that *Treaty* to all the parts of the Continent and Iſlands that were not poſſeſs'd by Europeans, but that the landing and ſettling there, in order to plant, without freedom and liberty previouſly granted by the *Crown* of *Spain*, would have been ſpecify'd as an act of Hoſtility and Infraction of the Alliances. So that there having been no ſuch care taken, nor proviſion made in the foremention'd *Treaty*, it is an indiſpenſible evidence, that the whole

which

which was thereby deſign'd, was only to adjuſt and ſettle Matters, in relation to what each of thoſe two Crowns were actually in poſſeſſion of. And that they were left ſtill under an equal freedom of ſettling in any new Places that were void and unoccupy'd, and no more in the hands of the one than of the other.

Nor can it fall into the thoughts of any, who have not loſt their Underſtandings, that the *Engliſh* who are a trading People, and who finding their Intereſt and Profit in their *Weſt-India* Plantations, deſign'd to extend and enlarge them in whatſoever other parts of *America* they could, where Settlements might be made, without Invaſion upon the Rights of Europeans, ſhould by that Treaty be concluded and ſtak'd down to plant in no other places of the *Weſt-Indies*, ſave in thoſe, where they had Colonies at that time. So that the whole which was decided, adjuſted and ſtipulated in and by that *Treaty*, amounted only to theſe two things: *Firſt*, That by the 7th *Article*, *The King of* Great Britain *and his Heirs and Succeſſors, ſhall have, hold, and poſſeſs, with full Right of Empire, Property, and Poſſeſſion, all Lands, Regions, Iſles, Colonies, and Lordſhips, ſituated in the* Weſt-Indies, *or in any part of* America, *which His Majeſty King* Charles II. *did then hold, or which His Subjects did then poſſeſs; ſo that no Controverſy whatſoever was afterwards to be rais'd or mov'd in reference to that Matter.* And, *2dly*, *That by the* 8th *Article*, The Subjects of the ſaid *King* ſhould abſtain from all Commerce and Navigation in the Ports, Havens, and Places, having Forts, Caſtles, or Staples for Commerce, that is, That the *Subjects* of *Great Britain* ſhall not Trade nor Sail into the

the Ports and Places which the King of *Spain* hath in the *West-Indies*, nor the *Subjects* of the *King* of *Spain* Trade or Sail to the places which the *King* of *Great Britain* doth there poſſeſs, without Licences mutually and reciprocally given in the words and terms, which were ſpecify'd and ſet down in a Schedule annex'd to the Articles of the Treaty.

From both which it doth demonſtratively appear, that all ſtipulated about and agreed unto in that *Treaty*, was, and is, that the ſaid Kings and their Subjects, ſhall not only ſeverally and reſpectively forbear the Invading of ſuch others Territories, and the injuring of one another, but that they ſhall not Navigate, nor Trade in the Ports and Staples that do belong unto either, ſave under ſuch proviſions, limitations and terms as are agreed upon and expreſſed. By neither of which are the *Kings* of *Great Britain*, or their Subjects ſhut out, debarred or excluded, from Sayling into ſuch Ports, Havens and places of *America*, and ſetthing Plantations any where there, as either are not inhabited, or where the King of *Spain* is not in poſſeſſion and occupation.

But to ſet this matter yet further in ſuch a clear and diſtinct light, as that they who are the moſt Prepoſſeſſed and Prejudiced, may ſee, and be oblig'd to confeſs, that the *Scots* have proceeded in the whole affair of their *Caledonian* Settlement, and Plantation, both according to the meaſures of Law, Juſtice and Equity, and with a full deference and reſpect unto, and an entire compliance with the *Articles* of the publick *Treaties*, and particularly of that of 1670: I ſhall call over the Heads of

of ſome of the Articles of that *Treaty*, and make thoſe reflections upon them, which they do Naturally ſuggeſt and offer.

Whereas then it is Stipulated, agreed and provided by the Second *Article*, that there ſhall be a *Firm* and *Univerſal Peace* in *America*, as well as in other parts of the World, between the *Kings* of *Great Britain* and *Spain*, and between the Kingdoms, States, Plantations, Colonies, Forts, Cities and Dominions which do belong to either of them, and between the People and Inhabitants under their reſpective Obedience, it doth from thence undeniably appear, that as both the Kings were ſet upon an equal foot, and did treat for themſelves, and for the people, and Inhabitants that were under their reſpective Obedience, and no further nor for any other, ſo it is from thence no leſs evident, that all matters and things were left untouched, and undetermined, that did concern and relate unto ſuch places and parts of *America*, as were either wholly void and not at all Inhabited, or that were inhabited only by the Native *Indians*, which as that part of the *Iſthmus* of *Darien* was, where the *Scots* have Landed, and are now begun to ſettle; ſo it doth in the way of neceſſary conſequence from thence undeniably follow, that by the ſaid *Article*, it remained Free and Lawful, either for them, or for any other of his *Britannick* Majeſty's *Subjects*, ſo to do, and therefore that there neither is, nor can thereby any *Violation*, or *Infraction* be made of the *Alliances*, between the Crowns of Great *Britain* and of *Spain*. For in that the Right, Titles and Claims, of the Kings of Great *Britain* and

Spain,

Spain, are defined by and circumſcribed unto ſuch Regions, Territories, Plantations, Colonies, *&c.* as do ſeverally and reſpectively, belong to either of them, it is thereby made uncontrolably Manifeſt, that neither of them, by that *Treaty* had any Rights and Claims granted, and allowed unto them in reference to any *places* in *America*, further than as they were poſſeſſed of them, and ſave as thoſe places were in and under their actual occupation. And conſequently that by the chief purport and deſign, and by the whole Tenor of the *Treaty*, it was left free for each, or either of them, to make new acquiſitions, and to eſtabliſh new Plantations in ſuch parts and places of the *Weſt-Indies*, whether upon the Continent, or in Iſlands, as were inhabited by the ſubjects of neither of the two Kings, but were either (as I have ſaid) wholly void, or poſſeſſed by the Native Indians.

Moreover whereas it is Covenanted, adjuſted and provided by the Eighth *Article*, that the ſubjects of their *Britannick* Majeſties, ſhall not Sail into, nor Trade in ſuch Ports, Havens, *&c.* as do belong unto the *Catholick* King, unleſs with leave, and upon the terms which are there ſpecified; it doth from thence evidently and unqueſtionably follow, that they are left at liberty to Sail into, and Trade in ſuch other Ports and Places, as are not the King of *Spain*'s. And therefore that the Port into which the *Scots* Sailed, and where they are eſtabliſhing a Colony, being neither then, nor having been at any time ſince, in the poſſeſſion of the *Spaniards*, they are in their having ſo done, altogether unaccuſable of the being guilty of

of any crime or misdemeanor, or of having in the least transgressed against publick and solemn *Treaties*.

Further whereas it is concerted, and agreed by the same *Article*, that the *Subjects* of the *King* of *England* should not Sail into any Ports or Havens, that had Fortifications, Magazins, or Warehouses possessed by the King of *Spain*, it may from thence be *Apodictically* Inferred and Concluded, that it continued *Free* and *Lawful* for them, to Sail into *Ports*, and to Trade, where there were no Fortifications, Magazins nor Warehouses at all, and much less any appertaining unto, or in the Possession of the King of *Spain*. Both which being unquestionable with reference to *Acla*, and the Creeks, Ports, Harbours and Places adjacent thereunto, it may thereupon be Justly affirmed, and solidly concluded, that neither the *Scots*, nor any other of his *Britannick* Majesty's *Subjects*, were by that Treaty precluded and debarred from Landing, Trading and Settling there, and that the *Scots* thro' their having sit down, and become Planters in that place, are altogether innocent of the *Infraction* of any such *Alliances*.

Moreover, whereas it is agreed and provided by the *tenth Article*, that in case the *Ships* that do belong to either of those Kings, or to the *Subjects* of either of them, shall by stress of Weather, or otherwise be forced into the Rivers, Creeks, Bays, or Ports belonging to the other in *America*, that thereupon they shall be received kindly, harbour safely, and be treated with all Humanity and Friendship; it may from thence be inferred and deduced, that as both

both the Kings are thereby ſtated upon an equal bottom and foot, and the rights of both, and of each of them reſpectively are reſtricted and determined to particular Rivers, Creeks, Bays, &c. ſo it is alſo thereby mutually confeſſed and acknowledged, that there are other and of all thoſe ſeveral *Kinds*, in which neither of them have any Property, Intereſt or Concernment, and that it might be free for the Ships of either of them to Sail into ſuch, and there to Anchor, and to furniſh themſelves with what they wanted, and the places afforded, and to continue there during their own Pleaſure, and to do in ſuch places, whatſoever they ſhould judge to be for their Advantage and Intereſt, without incurring the imputation of being accounted injurious to one another, or of becoming liable to a charge and complaint againſt them, of having Violated *Alliances*. And by conſequence, that the Port *Acla* being ſuch, the *Scots* might Sail thither, land and ſettle there, without either asking leave of the *Spaniards*, or of becoming thereupon cenſurable by them, of having therein done any thing, that is either againſt the Laws of Nations, or an Infraction of *Alliances* and *Treaties* between the Crowns of Great *Britain* and *Spain*.

Again whereas it is Concerted and Stipulated in the Fifteenth *Article*, that Nothing in the ſaid *Treaty* ſhall derogate from any *Prehominence* Right and Dominion of any of the Confederates in the *American Seas*, Channels or Waters, but that they ſhall have and retain the ſame in as full and ample manner, as may of right belong to them, with and

under

under the proviſion, that Navigation ſhall not be diſturb'd; I deſire in reference to that *Article* that it may be obſerv'd, how tho' the *Crown* of *Spain* having made a claim of Privilege, Pre-eminence and Juriſdiction in and over the *American*-Seas, which was no ways granted and yielded unto them by the *Crown* of *England*, but the right in and over thoſe Seas left in the ſame ſtate that it was before; yet neither in that Article, nor in any other of the ſaid *Treaty*, is there any claim of Juriſdiction, Soveraignty or Dominion, made by the *Spaniards*, either over ſuch parts of the Continent or of Iſlands, whereof neither they themſelves were poſſeſs'd, nor a right of Property and Dominion in and over them, had been claimed by and granted to the *Engliſh*, of which omiſſion of the *Spaniards*, there can be no other reaſon aſſign'd, but that they knew no claim of that Nature would have been allow'd them; and that the very mentioning of it, would have occaſion'd a formal, explicite, and ſtipulated Reduction and Reſtriction of the pretenſions of Title and Right in *America* to the bounds and limits of what is actually occupy'd by them, which they were not willing to have decided and determin'd by an expreſs Contract and Stipulation to the making and rectifying whereof there was their own concurrence and conſent. Tho' in Fact no Nation will grant them a right of Property and Juriſdiction in and over more, nor have any *European Princes* whatſoever hitherto done it. I do the rather make this obſervation, in that a Claim of Juriſdiction and Soveraignty over Seas and Oceans, is more liable to exceptions, than a claim

a claim of Dominion over Lands, either upon Continents or Islands, in that it is universally granted, that Princes are capable of having their several just, supreme and divided Properties in and over *Lands*, and withal as generally deny'd, that any Potentate whatsoever can rightfully claim a sole Property in and Jurisdiction over *Seas*, precluſive of the Rights of other Princes to Sail and Navigate upon them.

Finally, there may be this one thing yet added, as an indisputable evidence, and a full confirmation, that there was no right of Property and Jurisdiction in and over any Lands, Territories or Districts, in *America*, *granted* in the *Treaties* either of 1667, or of 1670, by the King of *Great Britain* unto the Crown of *Spain*, save so far as the *Spaniards* were in actual *Possession*, in that the *English* have since those *Treaties* sit down upon that part of *America* which is come to be call'd *Pensilvania*, and have there establish'd large and flourishing Colonies, and that without the *Spaniards* having once offer'd to *complain* of it as a *violation* of *Treaties* and *Alliances*. between the two Crowns.

Having fully vindicated the *Scots Settlement* at *Darien*, from the being either against the *Laws* of Nations, or in opposition to publick *Treaties* and *Alliances*, and having withal justify'd them both as to the *Fact*, and with respect to the Steps and Methods, in which they begun and have promoted it, I know but of one thing, besides what hath been already consider'd, that can be reasonably alledg'd, against either the Justice or the Equity of it. Namely that the *Spaniards* have not only been esteem'd

the

the Proprietors of that *Iſthmus* by divers *European* Nations, but that they have been declar'd, as well as accounted, ſo by the *Engliſh* in two remarkable Inſtances. Whereof the *Firſt* is, That ſeveral Engliſh Merchants, having agreed upon, and provided a *Fund* of ſettling a Plantation at *Port-Royal* in the Bay of *Mexico*, in order to the cutting of *Logwood*, were refus'd the ſupport and protection of the Government for carrying it on, and only permitted to manage a Trade there at their own hazard and peril. And as for the *Second*, which comes cloſer to the Queſtion which we have been debating, It is ſaid that certain *Engliſh-men* having undertaken to ſettle in *Darien*, and brought the propoſal of it before the *Council* of *Trade* of *England*, by whom it was laid before the *Lords Juſtices* in His Majeſty's abſence, and by them tranſmitted to the *King Himſelf*, how that after a mature conſideration, it was judg'd and pronounc'd to be a Deſign and Project, that would be an *encroachment* upon *Spain*, and therefore let fall and abandon'd. And that the *caſe* of the *Scots* being parallel to that it ought to meet with the like cenſure, and be judg'd *invaſive* upon the *Rights* of the *Spaniards*.

All which tho' it hath been ſufficiently both obviated and anſwer'd in what hath been already ſaid, yet in compaſſion as well as in condeſcenſion to the Infirmities and Weakneſſes of the greateſt part of Mankind, who ſuffer themſelves to be impos'd upon and miſled in their Opinions and Judgments, of Actions and Matters of all kinds, by trifling Reaſons and Conſiderations of very little moment,

eſpecially when their Underſtandings have receiv'd a wrong byaſs, and are previouſly too much over-rul'd by prepoſſeſſions and prejudices ariſing from National Pique, or particular Envy; I ſhall offer ſeveral things in way of Reply to what is alledg'd, and beſtow ſeveral Reflections upon it. Whereof ſome of them ſhall be more *general* reſpecting *both* the *caſes*, and the reſt *particular* relative unto *each* of them ſingly and apart. And tho' I ſhall behave my ſelf in the whole with that Modeſty and Deference towards His Majeſty and them that have either had the univerſal Adminiſtration, or any part of it, as not to give the leaſt occaſion for cenſure or blame; yet I hope I may expect to be ſo far both indulg'd and juſtify'd in the Vindication of the legal and righteous Fact of a whole Kindom, as not from too much Puſilanimity on the one hand, or Sycophancy on the other, to ſuffer that Nation to lie under cauſeleſs ſuſpicion of Injuſtice.

In the way therefore of a *general Reply*, I deſire it may be obſerv'd, that as the ſentiments and opinions of no Body of Men whatſoever, and much leſs of a few Individuals, are the Meaſures and Standards of *Moral* Right and Wrong, but that the Laws of Nature and Nations are; ſo the Acts and Proceedings of the People of *Great Britain* are not to be finally decided and determin'd, with reſpect to their legality, or their illegality, and their being judg'd lawful or unlawful, before Civil Tribunals, and at Humane Benches, ſave by the acknowledg'd Laws of Nations and the reſpective Municipal Laws of the Kingdoms.

doms. For tho' the projecting of the acting disagreably to the Opinion of this or that *Board*, may in some cases prejudice the Undertakers and Doers; yet that singly, precisely, and abstractedly, doth neither render the Design nor the Execution of it, at all times, unwise, and much less at any time unlawful and unjust.

Nor is it moreover unworthy the being taken notice of, That there is a great difference to be made between the discouraging a Projection, while it is only in proposal and in *Embryo*, and the condemning and rescinding it, after it hath been put in Execution. Seeing by the first the Undertakers are only advis'd and caution'd, whereas by the last, they are not only disoblig'd and disgusted, but really prejudic'd and injur'd.

Further, There is likewise a great discrimination to be made between what is adviseable at one season, and what is justifiable as well as prudential at another. For the exigencies which at one time we may be under, of having the favour and assistance of a neighbouring Nation, may render it impolitick to countenance that, which at another time, when we stand rescu'd from attendance to any other Measures, save those of Law, Justice and Truth, it were both to abandon and sacrifice our Interest to neglect it.

Further, The inhibiting of the Subjects of *England*, from proceeding in the forementioned Designs, may have been founded upon such Motives and Reasons, as do no ways affect that, which the *Scots* have undertaken. Nor can the cases therefore be render'd parallel,

unleſs the circumſtances could be made appear to be equal: So that the Kingdom of *Scotland*, being altogether ignorant of the Inducements upon which the Reſolutions were taken in the caſes of thoſe *Engliſh-men*, it is not to be expected, that their *Caſes* ſhould have been look'd upon by the *Scots* as preſidents for their conduct, or that they ſhould have govern'd themſelves by any rules, ſave thoſe of their own Intereſt and Profit, in ſubordination to the Laws of Nations, public Alliances, and the Municipal Statutes of that Kingdom.

Moreover, there is a great difference to be made between checking the Inclinations of a few *private* Men, who poſſibly might be rather deſigning their own perſonal advantage, than a National good; and the croſſing the unanimous Deſires of a whole *Kingdom*, who as they knew the thing to be lawful in which they were engag'd, ſo they did believe, that the purſuing it was indiſpenſably needful, in order to their Welfare and Proſperity.

Finally, whatſoever Authority His *Majeſty* ſtands veſted with, or whatſoever liberty his *Miniſters* are allow'd to have in reference to affairs previouſly to *Acts* of Parliament concerning them, or in relation to Matters that do not directly fall under the Regulation of Laws and Statutes; yet they do become not only uncontrolable by *them*, but even are not to be ſuperceded by His *Majeſty*, after that they are once eſtabliſh'd by Laws, and confirm'd by Charters. For ſuch things as are once made lawful by Acts of Parliament, are put out of the reach both of the King and of his Council, as to their conſidering afterwards whether

ther they be convenient. But having upon another occaſion mention'd this before, I will not here inſiſt upon it again.

And as for the *particular Reflections*, which I intend to make upon *each* of the *Caſes* apart, I ſhall diſpatch them with what expedition I can, and in the order that the *Caſes* are laid down. In reference therefore to the *firſt*, which was the *Council* of *England*'s diſcouraging ſuch *Engliſh Merchants*, as had deſign'd to have ſettled at *Port-Royal* in the bottom of the *Bay* of *Campeachy*; I do ſay that there is no likeneſs, alliance or affinity, between what was intended to have been done by ſome *Engliſh there*, and what is done by the *Scots* in the *Iſthmus* of *Darien*. In that the *Bay* of *Campeachy*, lying in the Province of *Nicaragua*, within the Dioceſs of *Stiapa*; which Dominion and Biſhoprick, being part of the ancient *Empire* of *Mexico*, which the *Spaniards* conquer'd after their uſual way of Killing the Inhabitants, and converting the Land to their own uſe, and unto which they have been confeſs'd to have a right by *Preſcription*, can be no *parallel* unto, nor bear any ſimilitude with that of the *Iſthmus* of *Darien*, where the *Scots* have eſtabliſh'd their *Colony* of *Calidonia*; ſeeing as the *Iſthmus* was never any part either of the *Mexican* or the *Peruvian* Empires; ſo that particular Diſtrict of the *Iſthmus*, where the *Scots* have begun to ſettle a *Plantation*, was never *ſubdu'd* by the *Spaniards*, nor did the Natives at any time acknowldege their having Juriſdiction over them. So that tho' for the *Engliſh* to have *ſettled* in the *Bay* of *Mexico*, might be accounted an *Encroachment* upon the *Right* of the

Spaniards, yet it can no ways from thence follow, that for the *Scots* to *ſettle* at *Acla*, which had never been ſubdu'd or poſſeſs'd by the *Spaniards*, is to be held an Invaſion upon any of the Territories, or an Encroachment upon the Rights of the *Spaniſh* Crown.

Moreover, for the Council of *England* to have given *permiſſion* to the Engliſh Subjects to Sail unto, and to ſtay and cut Logwood in the *Bay* of *Campeachy*, without the leave and conſent of the *Spaniards*, was a greater *encroachment* upon the *Rights* of His *Catholick Majeſty*, than it would be to have the *Scots* authorized and juſtified in their erecting a *Colony* on that part of the *Iſthmus* where they landed and are ſit down. Seeing it is contrary to all the Meaſures both of Juſtice and Amity, for a Government to connive at an Invaſion upon the Dominions of a Prince, in whom a Title, Juriſdiction and Property are allow'd to ſtand veſted in and over thoſe Territories; whereas it interferes with no rules of Law, Equity or Friendſhip, for a Government to authorize and empower its Subjects to plant in a place where that Prince was never acknowledg'd (nor juſtly could be) to have a Soveraignty or Right.

Further, whatſoever the opinion of the Court and Council of *England* may have been as to the *Spaniards* having ſuch a Right to the *Bay* of *Campeachy*, as doth debar and preclude all others from coming thither, without obtaining of leave from the *Spaniards*; yet there are other Courts in the World, who have thought that it was free for them to ſettle in that *Bay*, without a Grant and Conceſſion from the Crown of *Spain*, whereof there needed no other inſtance s

ſtances to be aſſigned, but that of the *French*, who have ſeveral times been endeavouring to have ſettled on the *River de Spiritu Sancto* in that *Bay*, and who are at this time deſigning to eſtabliſh a *Colony* on the *River Miſchaſipe* upon the *Mexican Gulph*.

Finally whatſoever the *Council* of *England*, might have ſaid to thoſe *Engliſh* Merchants, for diſcouraging their ſettling at *Port Royal* in the Bay of *Mexico*; yet it is unqueſtionably certain, that the project of the *Engliſh* for ſettling and cutting Logwood there, obtained and took effect, in that they have had for ſeveral years, Logwood in that place appropriated unto them, which they have cut and brought home for the accommodating of *Engliſh* Dyers.

And as to the Second *Caſe*, concerning the Prohibition of thoſe *Engliſh* Merchants and Traders, to ſettle in *Darien*, whoſe *Propoſals* for the eſtabliſhing a Plantation in that part of *America*, had been laid before the *King*, as well as the *Lords Juſtices*, I ſhall in the firſt place declare, that the circumſtances of that being wholly unknown to me, I ſhall not aſſume the Confidence, to pronounce any thing poſitively in reference to the particular grounds and reaſons, of the Opinion and Judgment of his Majeſty, the Lords Juſtices, and the Council about it, only it may not only be conjectured, but affirmed with Confidence, that the forbidding all proceedings in that enterprize, was upon Motives of State, rather than of Juſtice, and that it was done becauſe of the Inconveniencies, which at that Juncture might have enſued; and not by reaſon of the

illegality of it. For as the *Propoſal* was made at a time, when we were in *Confederacy* with the Crown of *Spain*, for the carrying on a War againſt a Great and Powerful Monarch, and as the *Spaniſh* Dominions were the chief ſeats of the War, and the Ports and Havens of *Spain* abſolutely needful, as well as extreamly uſeful, for the management of our Commerce in the *Mediteranean* and *Levant*, ſo the preſerving of *Spain* firmly in the Alliance, was upon many other accounts, (which I ſhall not enumerate) indiſpenſably neceſſary, both for the upholding of the War, and in order to the ſucceſs of it, in favour of the Allies in general, and particularly of Great *Britain*. So that upon whatſoever political Inducements, that propoſal was diſcountenanced, and rejected, yet I may venture to affirm, that it was not upon the foot and motive of the *Spaniards* having a right and property in, and a Soveraignty and Juriſdiction over, the whole *Iſthmus* of *Darien*.

For as that would have been an acting in direct oppoſition, to the general Foundation and *Principle*, which both the *Engliſh* and all *European Nations* proceed upon, in their eſtabliſhing of Colonies in the *Weſt-Indies*, and in Juſtification of the rightful and legal Dominion, that they have over the Lands, Territories, Provinces, Iſlands, which they have acquired there: Namely that no ones right in that part of the World, doth extend beyond poſſeſſion and occupation; ſo it were to have debarred and ſhut out, the *Engliſh* as well as all other *Europeans*, not only from erecting new Colonies in thoſe places of *America*, where the *Spaniards*

wards are in the poſſeſſion, and have the Dominion; but from ſettling any New Plantations in ſuch parts of the *Weſt-Indies*, where the Natives are the ſole Soveraigns and Occupiers. Which is a thing both ſo abſurd in it ſelf, and ſo directly oppoſite to the Intereſt, Proſperity and Honour of *England*, that it were to entertain an opinion inconſiſtent with good Manners, ſo much as once to imagine, that either the King, the Lords Juſtices, or any *Engliſh* Miniſters of State, ſhould be ſo weak and imprudent, and ſo neglectful of the Welfare and Glory of Great *Britain*, as either to fall into ſuch a pernicious meaſure of themſelves, or to be *dup'd* into it by others.

Moreover to have been influenced to reject the foreſaid *Propoſal*, upon the reaſons and motives of the *Spaniards*, having an Univerſal and a Sole *Right* in the *Iſthmus*, would have been to have acted in the higheſt way of Injuſtice to the Natives, thro' the ejecting them out of their Property and Juriſdiction in and over thoſe Lands and Territories, whereof they are both the legal and rightful owners, and the alone occupiers and poſſeſſors, to a great extent of ground upon that *Straight*, and thro' the veſting the Property and Dominion in the *Spaniards*, who have no Title or Claim to a great part of thoſe Territories, either by conqueſt or the conſent of the Indians. Nor can any thing more diſgraceful and unrighteous, as well as undecent and unmannerly be conceived of his Majeſty, and of thoſe that are in the Adminiſtration, than that they ſhould act upon an Inducement, that would import

import a robbing of the rightful Proprietors of their Inheritances, and a deposing of hereditary and legal Governours, from their Lordships and Jurisdictions, to place, and settle them in others to whom they do no ways appertain.

Finally, should we suppose his *Majesty*, and the *Lords Justices* to have Prohibited the foresaid *English* Merchants and Traders to *settle* upon the *Isthmus* of *Darien*, because it would have been an encroachment upon the rights of the *King* of *Spain*; we must be obliged to add, that they therein acted incongruously to the measures of other Princes and civil Ministers, who have been both encouraging and endeavouring the Planting of Colonies upon or near to that *Isthmus*, with the consent of the Natives, without the least respect had to the Claim and Title of his Catholick Majesty, whereof having given an instance before, I shall not here repeat it.

So that having represented and finished, whatsoever I account needful to be said for Justifying the *Scots Settling* a *Colony* at *Darien* to be according to the Laws of Nations, and agreeable to all the measures of Justice and Friendship, and not to be an Usurpation upon the right of the King of *Spain* nor to interfer with any *Alliances* between his *Britannick* Majesties, and the Catholick King; and having vindicated that Fact of theirs, from all the exceptions which are made either against the lawfulness, or the friendliness of it; It will now be a piece of prudence, as well as of decency to bespeak the *favour* and *assistance* of the *Parliament* and *People* of *England*, for their being supported

ported and protected in that undertaking. Nor ſhall I ſo much endeavour to perſwade and influence them thereunto upon the Motives of generoſity and Kindneſs, as upon the Inducements that they will find the doing it, to be greatly for the advantage of the Crown and Subjects of *England*. For as much might be expected to be done in behalf of the *Scots* by that powerful and opulent Nation, upon the reaſon of their being not only Neighbours to one another upon the ſame Iſland, and under the Soveraignty and Government of one and the ſame Monarch; but becauſe of the many Offices of Councel and Aid, which they have ſince the Union of the two Crowns, mutually render'd to one another; and that the Kingdom of *Scotland* in particular, hath eſpouſed the concerns of *England* in a way of Singular Amity and with extraordinary fidelity and zeal, whenſoever they have ſeen them involved under difficulties and dangers; ſo that which is now deſired from the *Engliſh* towards the *Scots* is not near what the Anceſtors of the *former* have render'd unto thoſe of the *latter* heretofore, In that beſides their having had the *Counties* of *Northumberland*, *Cumberland*, and *Weſtmorland* ſeveral times granted and confirmed unto them, to be held in *Fee* of the Crown of *England*, in recompence for the Services and aſſiſtances which they had yielded unto the *Engliſh*, in their diſtreſſes: We are aſſured by an Engliſh Writer, that it was provided for in a courſe of Law under the Reign of *Edward* the *Confeſſor*, that the *Scots* ſhould be held *Denizons* of *England* and enjoy the ſame privileges with themſelves, becauſe of the Aid which they had render'd to that Kingdom againſt the

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Danes and *Norwegians*. But I ſhall chuſe to wave the laying the recollection and conſideration of all or of any o theſe before them, which touch upon the head of gratitude, and ſhall think it more adviſable to addreſs them by other Topicks, namely by thoſe that ſhall refer to the Benefits of Strength, Riches, and Honour, which will thereby accrue, and redound unto the Kingdom of *England*.

For how mighty and wealthy ſoever, the Nation muſt in truth ſtand acknowledged to be, yet it muſt alſo be confeſs'd, that under the great variety and plenty of Natural and Artificial productions, which their own Country and the Dominions thereunto belonging do afford, they have not the advantage of being furniſh'd with *Gold* and *Silver Mines*, which yield the Metal and Bullion that make the *Funds* of Trade, raiſe the Bulworks of ſafety, adminiſter the Supplies of plenty and pleaſure in peace, and enableth to muſter Armies, and equip Fleets in times of War. And tho' it is not to be denyed, but that by means of their Manufactures, and by reaſon of their Induſtry and their application unto, and skill in the management of a large and univerſal Commerce, they have a great Share of the *Treaſures* of the *Spaniſh Weſt-Indies* flowing annually unto them; yet it is with great hazard, at much expence, and after having been long out of their principal, that they become poſſeſt of it in thoſe methods. And it is alſo demonſtrable, that a much greater proportion of *Gold* and *Silver* will both come into private Banks, and into the public Exchequer of *England*, by the *Scots* having ſuch *Mines* within the bounds of their Colony

of

of *Darien*, than hitherto hath, or ever can, in the ways of meer Commerce with the *Spaniards*.

Nor ought it here to be omitted, that the *Mines* in the occupation of the *Spaniards* in that part of *Darien*, which lie neareſt, to the plantation of *Caledonia*, and in which they work at preſent, do ſo abound in the very *Oare* of Gold, that every *Negro* whom they employ, is bound to gain daily to his Maſter, as much as doth amount after it is refined to *thirty Lewis d'ors*: whereas ſuch as are employed in the *Engliſh American Sugar Plantations*, which are reckoned to be the moſt profitable of any they have, do not after all the expence upon them in their food, cloaths, and other accommodations, earn above *one hundred pound Sterling* gain a head *per annum* to their Maſter, which is not near ſo much in a whole year, as the other bringeth in *per* week. See *Dalby Thomas's Hiſtorical account of the Weſt-Indie Colonies* p. 17. *and* 18.

And as the Goods and Commodities ſent out of *England* to *Spain*, which bring them returns in *Gold* and *Silver*, will be tranſmitted immediately to *Darien* with more ſpeed, and at leſs expence, as well as hazard, than they go now to the *Spaniſh* Colonies in *America*, by making the Tower of *Cadiz*, *Malaga* and *Sevil*; and the profit thereupon be much the greater to the *Engliſh* Merchants; ſo a good part of the Treaſure which cometh directly into *Scotland*, upon the alone and ſingle account of the *Caledonian* Company, will in divers ways ſo circulate, as to come at laſt to center in *England*. Seeing beſides what muſt neceſſarily flow in thither in payments, both for what of their own productions, and what of Foreign goods that have been firſt imported

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to *England*, will be called for and purchased by the *Scots*, it is not to be imagined how much will come to be brought in, and spent there in ways of Diversion and Pleasures by all sorts of people of *Scotland*, and especially by the Nobility and Gentry.

For as it is too well Known, that the generality of the *Scots*, whose circumstances do qualify them for and allow it, have much in them of the humour and even Vanity of Travelling, and are inclinable enough to spend in proportion to the quanity of their Cash; so thro' *London's* being the Metropolitical Seat of the Government, and the place where the King has his residence, the Court is kept, and all grand Affairs of State, as well as many of the most important concerns of particular men are transacted, they will be certain to come thither in far greater Numbers than they now do; some out of Courtship, and others in complyance with the exigency of their affairs, and all of them maintain a Port, and live at a Charge answerable to the weight and depth of their pockets. Which will not only be of great profit and advantage to the Northern roads, thro' which they must go and return, and of divers other parts of the Kingdom to which their Pleasure, Health or Curiosity may tempt them, but especially it will be of great advantage to *London*, seeing besides what they will spend during their Residence, and in the making a figure, while they are there, they will also furnish themselves in that *Metropolis* with such accoutrements of State, and provisions of houshold furniture, as they shall esteem to be needful either for their grandeur,

deur, or their conveniency when they go home.

Moreover it is not to be queſtioned, but that the *Engliſh*, upon very eaſy and Honourable terms and conditions, may be admitted into a *Partnerſhip* in the Plantation, and into a ſhare of Trade with the *Scots*. Which as it will draw a conſiderable part of all that is either *Dug* out of *Mines*, or that is otherwiſe produced within the Diſtrict of that *Colony*, as well as of whatſoever ſhall accrue to the *Company*, by a Traffick drove at *Darien*, directly and immediately into *England*; ſo it will both greatly enlarge the Trade and Commerce of *England*, and mightily encreaſe their Wealth. For as the *Scots* were ſo neighbourly and kind upon the enacting of the *Law*, for the eſtabliſhment of a *Company*, for Trading to *Africa* and the *Indies*, as to make the firſt *Offer* to the *Engliſh* of Joining in the Subſcriptions to a Stock and Fund, ſo as to become Partners with them in any Plantation they ſhould ſettle, and in whatſoever they ſhould acquire; ſo it may not only be hoped, but confidently affirmed, that they will not now be oppoſite, nor averſe, to the receiving them upon ſuch terms, as may be ſafe and creditable to both Kingdoms. Nor can the *Parliament* of *England*, in their approaching Seſſion, fall upon any matter, that will be of more National concernment, or from which more benefit will ariſe to the Government and people of *England*, than to conſider and adviſe, how the *Kingdoms* may become ſo *Incorporated* with reſpect to that *Colony*, as that upon a congreſs between Commiſſioners, authorized reſpectively

ly by both Nations to treat and agree about it, the terms upon which the *Engliſh* ſhall be admitted ſharers in it, as well as the degree meaſure and proportion of Intereſt in it, which they ſhall be received into, may be Adjuſted, Defined and Stipulated.

Further it is not unworthy to be obſerved that the *French*, as well as the *Dutch*, being grown mighty in Naval Power, and both of them, but eſpecially the *latter*, the Rivals of *England*, not only in Traffick and Commerce, but with reſpect to the preſcribing unto others, what ſhall be the terms of Navigating the Seas, and what Ceremonies of reſpect, Ships of War, as well as of Trade, ſhall pay to one another whereſoever they come to encounter in Sailing; how that thereupon it is become the true *Intereſt* of *England*, to have *Scotland* advanced into ſuch a ſtate and condition, as that it may be able to provide, Equip and Maintain, good Squadrons of Men of War. Which as it cannot be done without their attainment unto a conſiderable Foreign Trade; ſo they may be enabled ſpeedily to effect it, by means of their *Colony* at *Darien*, provided they be ſupported in it. And as *Scotland*, upon their being in a condition to ſend out a Warlike Fleet of their own, will in caſe of a War againſt Great *Britain*, ſave *England* the trouble and charge of maintaining Men of War on the *Coaſt* of *Scotland*, for covering that Nation from Invaſion, as it hath ſeveral times both lately, and more Anciently been forced to do; ſo it may with confidence be affirmed, that neither *France* nor *Holland* will be very forward to quarrel with *England*, when

when beſide their own great Naval Power, they will have a conſiderable *Marine* Strength from *Scotland*, ready at all times to joyn and aſſiſt them. And ſhould it ſo fall out, that a War is not with Honour and Safety to be avoided between *Great Britain* and either of thoſe Nations, which is ſo far from being impoſſible, that it lies within a probable view, *Scotland* thro' having a potent Naval Power of its own, will upon a conjunction in that caſe of its Strength with *England*, give the King of *Great Britain* ſuch a Superiority over his Enemies in Number and Force of Ships, as may in the ordinary courſe of Providence, render him unqueſtionably victorious, which will redound chiefly to the Profit and Glory of *England*.

Nor will they only in ſuch caſe be in a condition both to protect their own Trade, and to aſſiſt the Engliſh with a Squadron of Stout Men of War towards the encreaſing of the Royal Navy; but they will by reaſon of the Situation of their Country, and the conveniency of their Ports, be able to cover and defend the trading Ships of *England* towards the *Eaſt*, and to ſecure their Navigation to *Hamburgh*, *Swedeland*, *Denmark*, *Poland*, *Muſcow*, *Greenland*, &c. which is very needful to be kept ſafe, becauſe of the Pitch, Tarr, Canvaſs, Timber, as well as of divers other Commodities, which are brought from thoſe Parts, whereof ſeveral, if not moſt of them, are indiſpenſibly neceſſary for the building, repairing, and equipping of Ships of all ſorts, and cannot be ſo well had in other places.

Further, The more Rich and *Opulent* that the *Scots* do grow, which they will ſpeedily do, by the *Gold* and *Silver* which will be dug out of the Mines of *Darien*, and by the Profits that will accrue from ſuch other Productions, as that Territory where they are ſo planted doth afford, they will thereby be in the better State and Condition for granting larger ſupplies to the Crown, than they hitherto could; and thereupon adminiſter ground, as well as occaſion, for greatly leſſening and moderating the Charge, which *England*, even in times of Peace, but eſpecially of War, hath heretofore been neceſſitated unto.

And whereas the *Scots* have been at all times able, and thereof given abundant proof during the late War, to raiſe and muſter great Numbers of as brave and well-diſciplin'd Forces, as any Nation of the World can afford; yet by reaſon of their Penury, which is a conſequence and effect of their want of Foreign Trade, and of Colonies in thoſe parts of the Earth, from which the great Wealth doth ariſe and flow into European Countries, which their Plantation at *Darien* will ſoon cure, remedy and relieve them againſt, they could not grant *Taxes*, nor advance *Money* that would have been ſufficient for the Maintaining and Paying of their *Troops*, but there was a neceſſity of putting them upon the *Engliſh* Eſtabliſhment, which was in part an occaſion, both of thoſe exceſſive impoſitions of all kinds, which *England* became indiſpenſibly oblig'd to fall into the projection and enacting of; and of thoſe incredible Debts which it hath contracted, doth lye under, and cannot ſpeedily redeem it ſelf from.

from. For seeing the Kingdom of *England*, how plentifully soever it be furnish'd with Men, and able to bring into the Field very numerous, as well as admirable Forces, could not have rais'd within it self that vast proportion of Military Troops, which were thought needful to be kept on foot during the late War, which made it to receive and maintain so many thousand of *Scots* Forces; will it not therefore be of great advantage upon any Stress or Exigency of the like Nature hereafter, to have the same or a greater proportion of *Scots* Forces to join them, and to come in to their assistance, without *England's* becoming oblig'd either to subsist or to pay them? and instead of having them upon Loan, and at a great expence of *English* Treasure, to obtain them as a *Quota*, which their Neighbours and Friends will not only at all times be ready to grant and advance, but to maintain at their own charges. And as it may be affirm'd under all the moral certainty imaginable, that the *Scots* thro' their being upheld and defended in their *Caledonian Colony*, will, in a few years, be render'd able, and will be found ready and forward to come into those Measures of Conjunction and Union of Forces with *England*, in all such Foreign Wars wherein they shall at any time embark; so it may from thence be inferr'd, that it is the true Interest of the *Parliament* and *People* of *England*, to have the *Scots* not only preserved and protected in the enjoyment of their Plantation in *Darien*, but to give them all the countenance and aid which they can, against such, whosoever they be,

that shall attempt either the troubling of them there, or the driving them from thence.

Moreover, it might be represented and shew'd at large, how much it will be to the advantage of *England*, both with respect to their *Plantations* in the *West-Indies*, and their own general growth and encrease in Trade, and the rendring their whole Traffick and Commerce more secure and profitable than it has been, to have the *Scots* upheld in the possession which they have obtain'd upon the forementioned *American Isthmus*, and that they be successful and prosperous in the improvement and further extension of their *Colony*. But having said enough in a former Paragraph, for the demonstrating of that beyond the being either deny'd or contradicted, and the matter being obvious to all Men, who are capable of thinking rationally and to any useful purposes, and it being withal a Topick, which every little and common Writer upon this Subject, will not fail (thro' inability to enlarge and employ their Conceptions about other things relative hereunto) to make their best and utmost of; I shall therefore decline the re-assuming the consideration of that Head again here; and shall address to the representation of one *Medium* of Argumentation, whereby it will apodictically appear to be the Interest of *England*, to have the *Scots* preserved and defended in their Settlement at *Darien*.

Namely, That the conveniency of that place for an *European* Plantation, being now better understood than it was before, and the wonderful Profits and Advantages that will flow from and accrue by it, being more fully apprehended

prehended and more clearly diſcerned, than ever they were; it will thereupon follow and enſue, That ſhould the *Scots* be drove from thence, the Subjects of ſome other Prince or State, beſides the *Spaniards* will poſſeſs themſelves of it. Which whoſoever it be, will be of fatal conſequence to *England*, as well as ruinous to *Scotland*. Nor dare I entertain ſo unworthy and diſhonourable an Opinion of the Engliſh Nation, nor ſhew my ſelf ſo ungrateful to a Kingdom, unto which I owe more Thankfulneſs, Service and Duty, than ever I can be capable of paying, as once to imagine, that they themſelves will be ſo unjuſt, as well as unkind, either clandeſtinely and by connivance, to be acceſſary to the wreſting of that Plantation out of the poſſeſſion of the *Scots*; or ſo ungentile as well as unfriendly, as ſingly and alone, or in conjunction and confederacy with others, to drive and compel them from thence by force. Seeing as endeavours and attempts of thoſe kinds, would not only appear ſo ſhamefully ſcandalous to all the ſober, wiſe and righteous part of Mankind, that the greateſt part of the World would reproach them for the Treachery and Wickedneſs, as well as for the Imprudence and Folly of it, but it would beget that bitter and implacable hatred in the *Scots* Nation againſt *England*, as would excite and kindle thoſe Deſires and Flames of Revenge, as no length of time will ever allay, nor the Authority of any Prince entitled to both the Crowns, be able to extinguiſh or to prevent the fatal conſequences of.

And tho' the Power and Strength of *Scotland* may be look'd upon with Deriſion and Contempt, when compar'd with the Force and Might of *England*; yet ſhould firſt Wrath, and then War ariſe between theſe two Nations, it may be eaſily foretold, without pretending to a Spirit of Prophecy, that it will be miſchievous beyond expreſſion to both, tho' in the iſſue it may prove more ruinous to the one than to the other. Nor is it poſſible to be avoided, but that a quarrel rais'd between the Kingdoms upon that motive and account, will produce the like, if not more diſmal effects, than the War in the Reign of *Edward* I. did, where-

Vid. *Buch. Hiſt. lib.* 8. of a judicious *Hiſtorian* hath left this wiſe and memorable Obſervation, that *Angliam vehementer concuſſit, & Scotorum nomen fere delevit*; *It wonderfully ſhook and weaken'd* England, *and almoſt exterminated the very Name of the* Scots.

And this is ſo obvious to be foreſeen and diſcern'd by any Man, that gives himſelf the freedom of thinking, eſpecially conſidering the preſent circumſtances of *England*, with reſpect to its no leſs potent than envious Enemies about it, as well as upon other accounts, which I decline the mentioning of, that it will neither be undecent, nor ſavour of undue boldneſs, to ſay that whoſoever ſhall adviſe the application of the power of *England* for driving the *Scots* out of *Darien*, can deſign no leſs, than either the ruine of the Nations by one another, or the making them when divided and weaken'd a prey unto thoſe who long to ſubdue and deſtroy both. But as *England* is a Nation of more Honour and Juſtice, than from their own inclination and choice, to come in-

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to ſuch a deſign againſt the *Scots*; ſo they are a more ſagacious and wiſe People, than either to conſent unto, or to connive at their being wheedled and drawn into it by others.

So that the *Scots* having no ground or reaſon for apprehenſions and fears, that the *Engliſh* will directly or indirectly concur and aſſiſt to their being expell'd from thence, nor I hope ſupinely and tamely look on until it be effected: All the jealouſie and dread is, that either the *French* or the *Dutch* may co-operate and contribute towards it; or at leaſt that in caſe the *Spaniards* alone ſhould be in a condition to accompliſh it, thro' the *Scots* wanting, and being refus'd ſufficient and ſeaſonable ſupport, one of theſe Nations, who are both ſo potent in Land Forces and Fleets of War; ſhould by way of after game, make it their buſineſs to get into poſſeſſion of it. And under the power of which of theſe two Nations ſoever it ſhall chance to fall, it will be of equal, but of very fatal conſequence, even to *England*.

For ſuppoſe that the *Dutch*, who are a People that do extraordinarily well underſtand their Intereſt, and who never miſs the going into all the Meaſures and Methods whereby they may promote it; (witneſs their Conduct and Management not many years ago at *Bantam*, and if we will believe a ſort of ill-natur'd Men among our ſelves, their coming thereupon into the late *Revolution* here in *England*, not ſo much out of kindneſs either to our Religion or Laws, as to prevent King *James*'s revenging that action upon them,) I ſay ſuppoſe that they upon the *Scots* being ex-

pell'd from *Darien*, ſhould find themſelves able, as undoubtedly they are willing, to ſettle a *Colony* there, the conſequences thereof towards *England* are at preſent as obvious, as they will hereafter be infallibly fatal and ruinous.

For beſides the advantage that ſuch a Plantation will give them, of engroſſing and monopolizing in a little time unto themſelves the whole Trade of the *Eaſt-Indies*, *China*, and *Japan*, as well as moſt of the *American Traffick*, eſpecially that which is mainly profitable of it: they will moreover by that addition of Wealth to the Treaſure, which they have already, which the *Gold* and *Silver Mines* of *Darien* will inconceivably and ſpeedily yeild them, be not only in a condition to give Laws to all *Europe*, and become the ſole Arbiters of Affairs in theſe parts of the World, but they will be able, if they have a mind to it, and it is neither wiſe, nor will it be ſafe to lie at their diſcretion, to rob *England* both of the the Soveraignty of the Narrow-Seas, and of the freedom of Navigation into any places of the Baltick, the Mediterranean, or elſewhere, ſave as they ſhall be pleas'd to permit and licence them. But tho' this be a Subject worthy to be enlarg'd upon, and that deſerveth to have an ample *detale* given of it, and which withal it were not difficult to do in a manner that might awaken *England* out of its drouſie and lethargical Temper, yet for reaſons which need not to be told, but may readily be gueſs'd at, I ſhall not at this time, nor in this place, proſecute it any further.

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However ſhould the *Dutch*, upon Motives which may lie before them, and whereof we can have no information, decline interpoſing in that affair, either as to the encouraging of the *Spaniards* to drive the *Scots* out of *Darien*, or the endeavouring to eſtabliſh a *Colony* there themſelves, in caſe they ſhould be expell'd; yet who knoweth but that the *French* may co-operate towards the *firſt* in order to their obtaining and compaſſing of the *latter*; which will be as miſchievous, if not much more, in the effects and conſequences of it to *England*, than if it ſhould fall under the power, and come into the poſſeſſion of the *Hollanders*. And we have the more reaſon to be apprehenſive, that the *French* have ſome ſuch deſign, if we do but obſerve how jealous and importunate they have been and ſtill are in their offers of aſſiſtance to the *Spaniards*, for the diſlodging of the *Scots*; which every wiſe and thinking Man muſt believe to be done in proſpect of advantage to accrue unto *themſelves*, rather than of any benefit which they intend ſhall reſult thereby to the *Spaniards*. Nor do I think it needful to give along deduction of the miſchiefs that may, and which in all probability will enſue, upon the *Settlement* of a Colony on the *Iſthmus* of *Darien* by the *French*, to the affecting of all *Europe*, and particularly the Kingdom of *England*, they being ſo obvious that they cannot eſcape the views of any who have Eyes to ſee, and will but vouchſafe to open them. Nevertheleſs in order to the awakening thoughts in ſuch, who do not exerciſe themſelves in Speculations of this kind, I ſhall very briefly intimate a few things,

which

which carry their own evidence along with them.

Namely, that ſhould the *French* become poſſeſt of any part of *Darien*, and eſpecially of that where the *Scots* have erected their *Caledonian Colony*, they would thereby be wonderfully enabled, both to diſturb the *Trade* of *England* in all their *Weſt-India* Plantations, and for making encroachments upon them, in their beſt and moſt profitable *Colonies*. And if what the Author of *an Eſſay upon ways and means*, doth ſay of the danger and damage that by the *French* ſettling at *Meſchaſipi*, will ariſe to *England*, with reſpect to their *American* Traffick and Plantations, deſerveth ſerious conſideration, as undoubtedly it doth; much more is their eſtabliſhing themſelves upon the *Iſthmus*, to be for the ſame motives and reaſons ſeaſonably thought of and prevented.

See Diſcourſes on the publick Revenues p. 116, 117.

Moreover it may be very rationally affirmed, that were the *French* once poſſeſſed of ſuch a conſiderable *Port* in *Darien* as *Port Acla* is, they would not long continue contented with that, but would be endeavouring to enlarge their Acquiſition and Juriſdiction over the whole *Iſthmus*, which as it would lay the Foundation of their becoming Powerful over the *Northern Ocean*, and afford them wonderful means and opportunities of extending their *Trade*, to the *Eaſt-Indies*, *China* and *Japan*; and of getting in a great meaſure to be Maſters of the rich and beneficial Commerce, that is carried on and managed by *Europeans* in thoſe parts of the World; ſo it would infallibly put them into a capacity and condition, of gaining in a very little time the

Soveraignty

Soveraignty both of *Mexico* and *Peru*. It being both certain and evident beyond all denial, that with fewer than ten Thousand well disciplined Troops, they may wrest both those *Empires* from the Crown of *Spain*, as also whatsoever they do Possess besides upon the *American Continent*. Seeing as the apparent weakness of the *Spaniards* there is such, that they will not be able to withstand the Impression, and attacks of a few Battallions of good Military and Regular Forces; so it is Morally certain, that they will have the aid and assistance of the *Criolians* (who are such as are born in *America* of *Spanish* Parents) as well as of those, who are of the race of the old *Native Indians*, to rescue those Countries and Provinces from under the Power and Dominion of the Crown of *Spain*. Which how fatal it would be to the *European* Princes and States, as well as ruinous to the *Spanish* Monarchy, I need not be at the pains to represent and prove.

See Gage's new Survey of the West-Indies *of the Edition* 1699. p. 20.

Further should the *French* become once possessed of any part of *Darien*, and obtain the occupation of the *Gold* and *Silver Mines* which are there, it would after that be in vain to contest or withstand their *Pretension* of succeeding to the *Crown* of *Spain*, and of the Dominions thereunto belonging. For as the *House* of *Bourbon*, hath a great deal to alledge in Justification of its Right and Title, of Succession to that Monarchy, should his present Catholick Majesty die, without Issue, as he is like to do, and as they have already powerful Forces for the seconding and making good their Claim, so it is beyond contradiction that

were

were they once Masters of those *Mines*, which lie within the *District* where the *Scots* have their *Calidonian Colony*, it would after that be impossible to defeat and prevent them in their pretensions, seeing they would not only thereby be in a condition to possess themselves with ease of the many and Rich Provinces which the *Spanish* Crown hath in *America*; but they would be furnished with a *Fund* of Treasure for the payment of all those numerous Troops without burden to their Subjects, which they shall think needful to keep on foot in *Europe*, for the asserting of their Right of succession to that Monarchy. And I may Justly as well as boldly say, that the single supporting of the *Scots* in their settlement at *Darien*, will be more subservient and effectual for the obstructing of the *French* in that design, than all the Alliances that can be made in *Europe* against it, will in the Issue and Event signifie, without the preservation of that *Colony*. And indeed God in his wise Providence, seems to have adjusted the *Scots* settling there at this Juncture, in order to be a means and expedient of obstructing the *French* from succeeding in their pretension, if others will have but eyes to see it, and prudence to make use of it.

Finally it is not unworthy the being considered, what Jealousies all Nations in this *European* part of the World have of late entertained, and what a general belief they have imbibed, as if the *French* were aspiring after an *Universal Monarchy*. And was not the fear of this on the one hand, and the obviating it on the t'other, the pretended reasons of the late

late Confederacy, and of the War that proved ſo Bloody and Expenſive, which tho' they may be thought to have given ſome check and interruption unto it, yet they are far from having either made the *French* depoſite the thoughts of it, or from having ſo weakned and diſabled them, as to render the proſecution and compaſſing thereof Impracticable. Yea I may venture upon all the Topicks of Reaſon, and Politicks, to pronounce that it is Impoſſible to hinder and diſappoint it, may they be but connived at, in the obtaining the poſſeſſion of the *Gold* and *Silver Mines*, which lie in the Neighbourhood, and within the Diſtrict of the *Caledonian Colony*. Whereas if the *Scots* be protected and upheld in it, there will thoſe Treaſures flow from thence into *Britain*, as will ſo enrich his Majeſties Exchequer, that he may not only make his own Dominion the happieſt and moſt opulent in the World, and put the balance of the Trade of the whole Univerſe into their hands; but render himſelf and his Succeſſors, the unqueſtionable Arbiters of all affairs and tranſactions, within the limits of the *European* Dominions, and give him the glory of ſaving all *Europe*, from the Deluge and Inundation of a *French* Conqueſt.

Whereunto let me in the next place be allow'd to ſubjoin, that in caſe *Scotland* ſhould be able of it ſelf to defend and maintain their *Colony* againſt the machinations and aſſaults of the *Spaniards*, without the aſſiſtance and ſupport of *England*, as it is hoped they may, that the *Engliſh* will not only loſe the Honour and Thanks of it, with all the Privileges and Advantages which thro' countenancing and aiding

of

of them they might have been partakers of, as well as have been ſecur'd of the perpetual Friendſhip of that Nation, and upon all occaſions experienc'd the happy effects of it; ſo it can give no juſt offence to ſuch of the Kingdom of *England* as are endow'd with Wiſdom and Underſtanding to have it plainly laid before them, that if *Scotland* find it ſelf too weak to withſtand the Forces of the *Crown* of *Spain*, and of ſuch as may joyn their Power with that of the Catholick King for diſlodging of them, and in the mean time find themſelves abandon'd by *England*, how that in ſuch a caſe, it is greatly to be fear'd that they may call in ſome Neighbouring *Monarch* or State to their Succour and Support, tho' the doing it will infallibly be reckon'd, and deſervedly too, a treſpaſs againſt their Allegiance, Fealty and Loyalty. And the *Scots* being naturally a warm People, too much verifying the Proverb, that *Scotorum ingenia ſunt fervida*, which vulgarly goes of them, they may the ſooner be hurry'd into ſuch an irregular and unlawful courſe, by reflecting, that ſince both the Nations came under one Soveraign, they are both much leſs eſteemed by the *Engliſh*, and enjoy fewer Privileges in *England*, than in times of Peace between the Crowns they did before. Whereof the reaſon is obvious; namely, that *England* being the powerful and opulent Nation, and having the King Reſident among them, they do thereby the more eaſily influence him to be kinder to them than to the *Scots*. For tho' I hope that they will never be tempted to run into ſuch a Method, and do alſo heartily wiſh, that no provocations may force

force them upon it, yet whosoever will either consider, the Nature and Temper of Mankind, and make reflections upon Late, as well as upon more Ancient Precedents, may find matter of apprehension and jealousie administred unto them, that it is so far from being impossible they should do so, that it rather looks like a moral certainty, that it will come to pass. There being nothing more natural, as well as usual, than for Communities and Nations, as well as for individual and particular Men, when either unkindly treated by their Friends, or distressed by their Enemies, to seek for succour and relief whersoever they can obtain it. And to cite the Testimonies and Examples that do aver and confirm this, would be both to transcribe a considerable part of the Histories of all Ages, and to give the Detale and Memoirs of the behaviour of vast numbers of private Persons. Nor doth it in such a case come much under Peoples consideration how far such a procedure will be accounted Criminal, and the Authors of it held impeachable; Interest in such circumstances out-balancing Duty, and present inconveniencies stifling Fears, with respect to what may be future. Nor is it unworthy of remark what Mr. *Littleton*, Brother to this present *Speaker*, broadly insinuates concerning *Barbados*, when he, as well as that whole *Plantation*, thought themselves severely dealt with by the Government and Kingdom of *England*; namely, that it was to be dreaded, least under such discouragements, they should be tempted to run into Methods, that would be as irreconcilable to their Loyalty, as they would be

See the Groans *of the* Plantations.

be contrary to their Inclinations, unleſs they were forc'd upon them.

And as it is firmly to be believ'd, that the *Dutch*, or any of the *Northern Crowns*, if apply'd unto by the *Scots*, and their aid crav'd, would be ready to own and eſpouſe their concern; ſo it is to be apprehended and fear'd in more ſpecial manner, leaſt under ſuch melancholy menacing and diſtreſsful circumſtances, they ſhould not make their addreſs unto, and put themſelves under the protection of *France*. Seeing beſides the agreeableneſs in temper and humour, between the *Scots* and the *French*, more than between any two Nations in *Europe*, the old *Affinity* that was betwixt them, and the benefits which redounded mutually to each of them by it, are not wholly forgotten. For as the Ancient *Alliance* of *Scotland* with *France*, and the many brave Troops wherewith upon all occaſions they ſupplyed the *French*, were the unhappy means of the *Engliſh* loſing all thoſe Noble Provinces, and vaſt Territories, whereof they were once rightfully poſſeſſed in *France*, ſo the *Scots* are upon every unkind carriage of *England* towards them, but too apt to remember the Honours and opulent Fortunes, which divers of them attained unto during their long and faithful league with the *French*. Nor have they reaſon much to queſtion, but ſhould they renew their old *Confederacy* with *France*, and call for aſſiſtance from thence, the whole *Kingdom* of *Scotland*, would be ſoon reinſtated there in all the ancient Privileges and Immunities, which were enjoyed by them heretofore, and not only ſuch who are chiefly concerned in the

the buſineſs of *Darien*, become liberally rewarded and recompenced for throwing themſelves into the arms of the *French*; but ſuch as are of the chief and firſt Rank of their Nobility, would be courted to accept General-Commands, Mareſchal-Staffs, Ducal-Coronets, and Anſwerable Penſions, anſwerable to thoſe of Princes of the Blood, which their Anceſtors formerly had.

Nor ought it to be over-look'd, how the *Scots* even ſince their *Union* with *England* under one and the ſame King, have without the knowledge of His *Britannick* Majeſty, ſought the *Protection* of *France*, when they conceiv'd themſelves in danger of being Invaded by *England*. It being too well known to admit of contradiction, that when King *Charles* I. was adviſed and influenc'd to make War upon them, for their withſtanding what they call'd Invaſion upon Church and State, how they apply'd themſelves unto *France* for aſſiſtance; inſcribing their Petition and *Memorial* to *Lewis* XIII. *An Roy*. For which, tho' they were charg'd both with Treachery and Rebellion by the Court Party, yet that Act of the *Scots* was not ſo heinouſly reſented by the *Engliſh*, as to deſerve to be taken notice of and upbraided at the Treaty at *Rippon*. Nor will the Zeal, or rather Biggotry of the preſent *French* King be of much ſignification for diverting them from begging his protection, in caſe they ſee themſelves likely to be ruin'd in their preſent deſign, thro' their being aſſaulted by *Spain* and abandon'd by *England*. As knowing that the State Wiſdom of *Lewis* XIV. will as much over-rule his warmth for the Faith and Wor-

ſhip of the Romiſh Church, as it did that of *Henry* II. of *France*, when the Proteſtants in *Scotland* reſiſted ſuch as they ſaid would Perſecute them in the Reign of Queen *Mary* his Daughter-in-law. That King being recorded to have ſaid upon that occaſion, *We muſt commit the Souls of* Scots-men *to God, for we have difficulty enough to rule the Conſciences of ſuch as are* French. Neither ought it to be paſs'd over without obſervation, that the application which the *Scots* under the Reign of *Charles* I. made to *Lewis* XIII. was not very long after his having ſubdu'd his Subjects at *Rochel*, and wreſted the *Cautionary Towns* out of the hands of his *Reformed* Subjects. Which open'd the way to all the Miſchief and Ruin that have overtaken them ſince. Nevertheleſs this muſt be ſaid in favour of the *Scots*, that it was upon the Motive of Religion, and from Indignation againſt *France*, becauſe of the late and preſent *Perſecution* of the *Proteſtants* there, that they did not carry their Reſentments higher for the affront put upon His Majeſty, and the Parliament of *Scotland*, with reſpect to their *Act* for a *Company to Trade in* India *and* Africa, and that they did not warmly expreſs their diſpleaſure in relation to the interpoſure of His Majeſty's Envoy at the Courts of *Lunenburgh*, and his *Reſident* at *Hamburgh*, who by menaces, as well as by gentler Methods, both deter'd and diſcourag'd the *Hamburghers* from contributing to their Stock and Capital, and from joyning in the eſtabliſhment and promotion of the Plantation and Trade, which the *Scots* were about to Settle and Embark in. For as it would not but wonderfully ſurprize the *Scots*

to

to find their Undertaking, and particularly their tranſaction with the *Hamburghers* for Subſcriptions and Aid, not only ſtil'd *The Action of ſome private Men, who neither had Credentials, nor were any other ways authorized by His Majeſty*, when they ſtood warranted in the one and t'other by the King's *Charter*, as well as by an *Act of Parliament*, but to have it repreſented to the Magiſtrates and Governors of that Free City, *That His Majeſty would regard all Proceedings with the* Scots *in that affair, as an affront to his Royal Authority, and that he would not fail to revenge himſelf of it*; ſo it was matter of the greateſt aſtoniſhment to the People of *Scotland*, that the ſaid *Envoy* and *Reſident*, perſevered to oppoſe them in all their tranſactions at *Hamburgh*, until they had fruſtrated and defeated them in what they were about, notwithſtanding that *Tullibarding* and *Ogilvie*, His Majeſty's *Two Scotch Secretaries*, had declar'd in a Letter to the *Council general of the Company, that they ſtood empower'd by the King to ſignifie unto them, that His Majeſty would give order to the ſaid Envoy and Reſident, not to make uſe of His Majeſty's Name and Authority for obſtructing the* Scots *Company in the proſecution of their Trade with the Inhabitants of* Hamburgh. See their Letter of *Auguſt* 2. 1697.

Nor ought it to give offence unto any, tho' it may poſſibly alarm a great number of judicious and thinking People, to have it repreſented and publiſh'd, that all the oppoſition made and given by His Majeſty's ſaid *Envoy* and Reſident to the *Scots*, tranſacting with the *Hamburghers*, was previous and antecedent unto any knowledge they had receiv'd, or could poſſibly attain unto, of the Place, Territory,

or Country, where the *Scots* had design'd to Land, and to endeavour the establishment of a Colony. For as none of the very *Directors* of the *Company* had, until a long time after, come to any fix'd Resolution where they should attempt the beginning and carrying on a Plantation; so posteriorly to its having been agreed upon and concerted by those few of them, to whom the determination thereof was referr'd by the rest, it was so secretly conceal'd and kept faithfully undiscover'd, that neither His *Majesty*, nor any of his *Ministers*, were in the least made acquainted with it. And consequently that the foresaid *Envoy* and *Resident*, being altogether ignorant in what part of the World, the *Company* intended to seek and pursue a Foreign Settlement for Trade and Commerce; and whether it might not be in some Region or Province, that would be both agreeable to the humour of the *Spaniards*, and subservient to the Interest of *England*, their interposing so zealously and industriously with the *Hamburghers* against the *Scots*, could neither be upon motives of Love and Kindness to the *English*, or of respect and deference to the King of *Spain*, but out of meer disaffection to the Kingdom of *Scotland*, and from an aversion to the welfare and prosperity of that People. So that it may be worth those Gentlemens recollecting, what heretofore befell *Archbishop Laud* and the *Earl* of *Strafford*, for having medled in *Scots* affairs beyond their Posts, tho' with the Countenance and by the Authority of King *Charles* I. Who notwithstanding their being Persons of incomparable Talents, as well as of the most elevated Stations

tions and Illuſtrious Characters of any of the Kingdom of *England*, yet upon the ariſing of a miſunderſtanding between that Prince and his Engliſh Parliament, and thro' the neceſſity that the *latter* ſtood in of having the favour of the *Kingdom* of *Scotland* in the difference that ſprung up between them and their Soveraign, were ſacrific'd in order to appeaſe and gratifie the *Scots*, rather than for any treaſonable Crimes that they were guilty of.

I do foreſee that it will be here objected, that for the *Engliſh* to countenance and uphold the *Scots* in what they have done, will be to enter into a Conſpiracy againſt themſelves, and a concurring in what will be highly prejudicial, not only to the Traffick of the *Engliſh American Plantations*, but to the Trade and Commerce of *England* it ſelf. And that not only by reaſon of the general *Share* in *Trade* which the *Scots* by reaſon of that *Caledonian Company* may ſpeedily grow up unto; but becauſe of the great *Immunities* in Freedom from *Taxes*, *Cuſtoms*, and all manner of Impoſitions whatſoever, which are granted unto their Company for 21 *Years*, while the *Engliſh* Traffick is by ſo many Laws and Statutes clogg'd and over-loaded with them. To which *Exception* I ſhall endeavour to give ſuch a full and ſufficient *Reply* in the few following *Reflections*, that I hope both the frivolouſneſs and indiſcretion of it will be made obvious, and render'd apparent to every Man, that hath but judgment and temper enough to weigh things in equal and juſt Scales.

The *first* thing therefore which I would offer to be consider'd is this, namely, That the *hazard* of *succeeding* in the founding and establishing of a New *Colony* is so *great*, and the Treasure that must inevitably be expended in order thereunto so large, before any considerable reimbursements can be hoped for, that it is extremely difficult by any propos'd Immunities and Privileges whatsoever, to gain those that have Money, and who know how to make other improvements of it, to be forward, liberal, and zealous of entring into and promoting such a Design. And if we will but cast our Eye beyond Sea, and look at present into *Germany*, and observe the encouragements propos'd to the *Vaudois*, and the *French Refugees*, in case they will settle in such and such places, where they are sure to be protected, and at a season, when they neither know how to be harbour'd, nor to subsist, any where else; we shall not wonder that His *Majesty*, and the *Parliament* of *Scotland*, thought the granting of all those Privileges and Immunities needful for the prevailing upon the Subjects of that Kingdom, to engage in a design, the Scene whereof lay so remote, and the Difficulties and Charges would be so great and large towards the bringing it to perfection. Yea, doth not every *Inheritor* and *Landlord* in *England* allow large favours and advantages, both to such as will come and cultivate their waste Lands, and to those who will lay out their Money in the building Houses upon their Grounds where there were no Dwellings before? And ought it then to be complain'd of, that a Nation in order to the extending the Empire and Dominion

minion of their Soveraign, and the contributing thereby to the enriching, in a little time, of all his Kingdoms and Subjects, as well as his own Exchequer, ſhould have Immunities and Privileges granted unto them for a few years, and whereof ſeveral were expir'd, before they actually enter'd upon the execution of their Deſign.

Whereunto may be added, that the advantage which will both accrue unto the *Government* at all times hereafter by an increaſe of *Cuſtoms*, and an ability acquir'd unto *Scotland*, of being more liberal in the *Taxes*, which they ſhall grant unto His *Britannick* Majeſty, than heretofore their Poverty, notwithſtanding their Zeal for His Majeſty's Service, would allow them to be; and likewiſe the many benefits which will ariſe to *England*, in the ſeveral particulars whereof I have already given the Detale, and which I ſhall not here repeat, will abundantly compenſate for the Immunities and Privileges which are vouchſafed the *Scots* Company for 21 *Years*, whereof Four are already elapſed, wherein they have been at great expences, without any return in way of Principal or Intereſt. And it being the daily practice of the *Engliſh* themſelves, and indeed of all Mankind, to venture upon Deſigns and to run into Diſburſements, where the gains are too often only chimerical, and at moſt times but merely conjectural, and very ſeldom are morally certain; ſhould the People of *England* then, make it a matter of quarrel with the *Scots* that they are embark'd in a deſign without the *Engliſh* coming into any part of the charge of it, from which if it do ſucceed,

It is Mathematically demonstrable, that the *English* Nation will obtain great Glory, Power and Wealth.

Moreover it is demonstrable, that the *Benefits* which will redound to the *English* in the Interim, and within that circle of time, will greatly overbalance any damages, or inconveniencies that can be supposed to arise unto them in their Traffick and Commerce, by that short Indulgence granted unto the *Scots*, of being free from Customs and Impositions in relation to their exports unto, and Imports from their Colony. Seeing besides the Emoluments that will accrue to *England*, and to their *American* Plantations, by the opening unto them a vast Trade unto places where they had none, or very little before, and by that Necessity, as well as occasion, which the *Scots* cannot avoid, of taking more off from them both of their Natural and Artificial productions, than they could formerly use, or know how to dispose of them; I say besides this, it is provided for, and ordained in the very *Act*, by which their *Company* is established, that their *Colony* shall be a free *Port* and *Market*, so that the *English* may carry thither, whatsoever they judge vendible either to the *Scots*, or the *Natives*, for which they are like to be paid in *Gold* and *Silver*, and they may also Traffick there, and bring from thence whatsoever is produced within the District, where the *Caledonian Colony* lies, and in the *Territories* occupied by the *Indians*, which are adjoining unto it, all which will greatly Countervail and and Outbalance, the few supposed inconveniencies, that are discoursed by unthinking men,

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as likely to ariſe unto *England*, and their *Weſt-India* ſettlements, by the Immunities granted to the *Scots*, for the ſhort forementioned term of years.

Further that as all the Commodities importable by the Company which are not of the *growth* of that Country, are all *excepted* from being *Cuſtom*-free, and are made liable to all legal Impoſitions; ſo nothing of the very productions of that place, can be imported by the *Scots* into *England*, but what they ſtand bound to pay *cuſtoms* for, and are ready in compliance with the Laws of *England* ſo to do. Yea the *Navigation Acts* made in *England* being ſtill in force, and never like to be repealed, and whereof the conniving at the violation and breach, would be of fatal conſequence to the *Engliſh* in their Shiping, no goods can be imported from *Darien* directly into *England* ſave in Engliſh Veſſels, and thither it is that moſt of the *Dying* Wood, as well as of Divers other *Commodities*, which the Directors of the Plantation can procure on the *Iſthmus*, muſt be immediately carryed and diſpoſed of. So that from the whole which I have laid down in way of reply to the foregoing objection, it appears to be made without any ſolid ground, and to proceed from people, that neither have, nor can take a full ſurvey of this affair, nor look round it, rather than from perſons of any great penetration, or who are converſant either in the Philoſophy, or in the praxis and Mechaniſm of Trade in the full compaſs and extent of it.

The only thing further that I imagine to be alledgable againſt the *Engliſh* giving countenance and encouragement to the *Scots* in their preſent un-

undertaking, and to hinder their Joyning in the protection and defence of them, is that it may prove *prejudicial* to the *Church* of *England*, thro' the giving way unto, and concurring to promote the ſettlement of the *Presbyterian* Form and Model in that part of the World; the *Church* of *England* having found trouble and inconveniencies enough from that *Scheme* of Eccleſiaſtical Government in the *Scots* frame and Edition of it, while it hath been confined within their own Kingdom.

This looks ſo much like *Bantering* inſtead of *Reaſoning*, that it may be conſtrued for a reproach put upon the Underſtandings and good Sence of the greater part of mankind to vouchſafe an anſwer unto it, eſpecially in a Kingdom, as well as an Age, wherein the *Jus divinum* of this or that *Form* of Church Government, obtains a very ſlender room in moſt mens Belief. And it were well, if all thoſe who are reckoned to have the beſt natural and acquired parts, could be brought to agree in the *Eſſentials* of Chriſtianity, tho' they continued to differ in *Diſciplinary* points. Yea it is to be feared, that the Dogmaticalneſs and the Intemperate zeal of ſome, for things vaſtly removed from being *Fundamentals* in our Religion, have rendred too many perſons *Sceptical* in the *Material Articles* of it. And if we could better bear with one another, and agree to differ in Religious Matters of leſs Importance, we might thereupon poſſibly better accord, and more ſecond each others endeavours in the defence of the Apoſtolical and Athanaſian *Creeds*.

But how ſtrangely are the *Scots* circumſtanced and ſtated, with reſpect to their *Darien* Underta-

Undertaking, when those of the Romish Communion, are alarmed at, and incensed against it, upon the Foot, that it will be an Introducing of the Reformed Religion into those parts of *America* where it never was; and at the same time, some *Protestants* are the less favourable unto it, because it may be attended with the Erection of a Form of Ecclesiastical Government and Discipline there, different from those of the *Church of England*. Whereas we should be thankful to God, that the *Reformed Religion* is like to obtain some footing where it never had any. And we ought certainly to acknowledge and reckon, that this will abundantly compensate for the Inconvenience of Presbyteries going along with it.

And how much sorry soever I am, that there should be so much of what is properly *Popery* spread among, and received by the *American Indians*, within the *Spanish* Dominions and Provinces in the *West-Indies*; yet I cannot but declare my Joy, that the *Christian* Religion, how much soever Sophisticated and Embased as well as Emasculated, with and by Romish Errors and Superstitions, is nevertheless come to be conveyed unto, and planted among them in any Measure and Degree. Seeing tho' *Popery* can save no man, yet the *Christianity* that is in the Papal Religion, (in that the Church of *Rome* believeth whatsoever we do believe) may be a means of saving every man that is upright and sincere, and whose Mistakes, Errors and Superstitions, are not the Effects either of Wilfulness or of Negligence, but of insuperable Ignorance. Which as

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it doth at the leaſt wonderfully extenuate their Crimes and Guilt before God, and renders them prepared and qualified Subjects for the Divine Compaſſion, ſo it ſhould awaken Zeal in ſuch as have love for Souls, and are concerned to have the Kingdom of our Lord *JESUS* Chriſt enlarged, both for the rectifying the Judgments of thoſe poor *Indians*, which have been wofully miſled in matters of the Chriſtian Faith and Worſhip by the *Spaniards*, and for having the Goſpel Preached in the purity and ſimplicity of it, among thoſe Native *Americans* who knew Nothing of it. And it is no ſmall diſgrace unto Proteſtant Kingdoms, States and Churches, that while they of the Romiſh Church have ſhewed themſelves ſo forward and induſtrious, and have been at ſuch vaſt expences, to ſend and maintain *Miſſioners* in thoſe parts, and in *Mahometan* Countries, for the publiſhing of the *Chriſtian Religion*, tho' wofully corrupted by ſuperadded Doctrines and Superſtitions of their own; that none of thoſe ſtiled *Reformed*, have concerned themſelves therein to any purpoſe, ſave where they have *Plantations*, that will without their Aid, ſubſiſt and maintain Preachers, and theſe alſo very poorly ſupplyed and provided with pious and able Miniſters.

And indeed one would wonder, that after the *Laws* in *England*, for giving *Liberty* to ſuch there, as are *Diſſenters* from the *Dioceſan* Juriſdiction, and from the *Rites*, *Ceremonies* and *Modes* of *Worſhip* of the Epiſcopal Church, it ſhould raiſe Jealouſie, Envy and Pique of and againſt the *Caledonian* Colony, upon the motive that the great body of the *Planters*, and the Governors and

and Directors of that ſettlement, will be of the *Presbyterian* perſwaſion in thoſe Extraeſſentials of Chriſtianity. Whereas for my part, were I a Zealot for the *Engliſh* Epiſcopacy and Liturgy, neither of which in my opinion, ought to give that offence to Wiſe, Learned and Good men, which ſome pretending to all thoſe Characters, have conceived againſt them; yet I ſhould not be ſorry, to ſee ſome of the bigotted *Scots Presbyterians* to tranſport themſelves thither, where I am ſure they will do leſs harm to the Church of *England*, and may be to Religion it ſelf, than they have done, and ſtill are like to do nearer at hand. Tho' even what they are in the very Neighbourhood able to do, againſt the Dioceſan Government, and the Liturgical Worſhip, will not without a ſtock of men of more Learning and diſcreeter Conduct, than thoſe men the Church of *Scotland* is at preſent furniſhed with, ſignifie much to the diſparaging or ſupplanting of either, further than as Law and Force do interpoſe. And againſt that *Ultima Ratio Eccleſiæ*, as well as *Aulæ* I know no methods that can be lawfully run into, ſave thoſe of Patience and Humility, under Violence and Severity from them, accompanied with Integrity and Moderation, in the firmly keeping and modeſtly aſſerting of Epiſcopal Principles.

Nor are the *Scots* at *Caledonia* like to be ſo bigotted, narrow and peeviſh with reference to the extraeſſentials and circumſtantials of Religion, as they have been found in *Scotland*; in that the Directors and Overſeers of that Plantation, have emitted a *Declaration*, wherein they grant *Liberty* of *Conſcience*

ſcience to all that will come and ſettle among them. Which as it plainly ſhews, that the denying of it at home, is not upon the foot of *Conſcience*, ſeeing on that Foundation they ſhould allow it no where; but that the refuſing it in *Scotland*, is upon the motive of *Domination*, and worldly Policie; ſo who knows, but that this *Precedent* of theirs in *America*, may prove a leading caſe to their being more indulgent that way in *Europe*, than hitherto they could be prevailed upon to be. And that being no longer reſtrained by Principles, which guide and over-rule Conſcience from granting *Liberty* to ſuch as *Diſſent* from them in leſſer matters of Religion; the Intereſt of the Kingdom may in time overſway the peeviſhneſs of their Clergy. For tho' I do readily acknowledge, that no *Liberty* upon whatſoever pretence of Conſcience, is to be granted unto any, whoſe principles do not only Authorize them to the diſturbing and overturning of Civil Governments; but do make the Blaſpheming God, and the ridiculing of all revealed Religion venial, and the living brutiſhly and ſenſually Lawful; yet in matters that are purely Religious, wherein too much rigour and ſeverity have been commonly exerted, I do take it to be our Duty to bear with, and forbear one another in Love and Peace. For I do really believe it to be one of the firſt Truths dictated to us by Nature, that whereupon a perſon is to venture his Eternal State, that therein he ſhould be allowed the liberty and freedom of chooſing for himſelf

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Finally this exception will prove the more vain, as well as surprizing, if it be but observed that the *Form* of *Church Government*, and the *Modes* of *Christian Worship*, even in some of the *English American Plantations*, are no less dissonant from, and may be of worse consequence to the *Church* of *England*, than what the *Scots* are supposed resolved to set up, and to be in the Practice of in their *Colony* at *Darien*, of which if I mistake not, *New England* and *Pensilvania*, are undeniable Instances. In that *Independancy*, which sufficiently strikes at *Episcopacy*, and all the *Ceremonies* of *Prelatical* worship, obtains as the legal Form of Government, Discipline and Worship in the first, and *Quakerism*, which is a collection and system of very dangerous errors, both in Doctrin, Worship and Discipline, is the Christianity that prevails, and is countenanced in the latter.

Having now fully represented the whole, that I judge either needful, or convenient to be said, not only for the Justification of the *Scots*, with respect to their present Undertaking, and the Vindicating them therein, from whatsoever with any shadow of reason can be excepted against it; but towards the clearing and demonstrating how subservient their being Countenanced, Protected and Assisted in it, will be to the Interest of *England*, and the Dominions thereunto belonging, as well as to *Scotland*; all that doth further remain to be added, ere I put an end to this discourse, is to acquit my self of a promise made in one of the foregoing sheets. Namely that were I inclinable to recriminate, it were

were eaſy to faſten ſome of the worſt of thoſe imputations upon the *Spaniards*, whereof themſelves have been ſo haſty to accuſe the *Scots*. And that as the ways of *Force*, which they have run into, do not correſpond with the *Alliances* between the Crowns of Great *Britain* and of *Spain*; So that thro' having betaken themſelves to thoſe methods, they have altogether acquitted and abſolv'd his *Majeſty*, from having that amicable and friendly regard to the *Memorial* preſented unto him, in the name and by the Authority of the *King* of *Spain*, that had they perſevered in the ways of mildneſs, might have been expected from him. It being unqueſtionable, that upon their perſevering in thoſe meaſures, his *Majeſty* would have comply'd as far with their deſires, as either in Juſtice he ſhould have found himſelf obliged, or as his Royal care for the Intereſt of his Kingdom of *Scotland*, or the truſt repoſed in him by that Nation (for the diſcharge whereof he is ſacredly and ſolemnly bound by *Oath*) would have allowed. Nor can it be a treſpaſs againſt that profound reſpect, which is payable to every Crowned Head, even by ſuch as are the Subjects of other Princes, to intimate in Terms of Deference and Modeſty, that the *Spaniards*, thro' having betaken themſelves to *ways* of *Force* and *violence* againſt the *Scots*, and that not only *poſteriorly*, but *antecedently*, to the preſenting the *Memorial*, they have transformed that into a *Jeſt*, if not an *Affront*, which might otherwiſe have been interpreted an *Act* of *eſteem* and *kindneſs* for his *Britannick* Majeſty. For whereas the *Memorial* was not delivered unto the *King*, until the 3d. of *May*, 1699 they had above Seven weeks before that, not

not only detained such of the *Scots* Prisoners, who by Storm and stress of weather had been cast upon the *Coast* where they have their *Colonies* and Fortifications; but they had likewise Invaded and assaulted the *Scots*, within their own Territory and District, with an armed and military Power.

By which, the Actings of the *Spanish Governours* in *America*, are not only wholly incongruous and inconsistent; and altogether irreconcilable with the proceedings of his *Catholick* Majesty's *Ambassadour* at *London*; but the Crown of *Spain* is become apparently guilty of the *Infraction* of the *Alliances* between his Majesty of Great *Britain*, and that *King*: For whereas it is provided by the Third *Article* of the *Treaty* 1667, and by the Fourteenth *Article* of the *Treaty* 1670, *That if any Injury shall be done by either of the said Kings, or by the Subjects of either of them, against the Articles of those Alliances, or against common Right, there shall not therefore be given Letters of Reprisal, Marque, or Countermarque, by any of the Confederates, untill such time as Justice is followed in the ordinary course of Law, and unless upon a denial or an unreasonable delaying of Justice.* Yet not only while the case is depending, and notwithstanding the assurance given by his *Britannick* Majesty to the *Catholick* King, That he will cause examine the Justice or Injustice of this *Fact* of the *Scots*, and thereupon act towards the Crown of *Spain*, according to the measures of Law and Equity, and the tenour of his Alliances; but even previously to their representation of that matter unto his Majesty,

ſty, the *Spaniards* have actually fallen upon the *Scots*, in the ways above mention'd. And whereas it is Concerted and Stipulated by the Tenth Article of the Treaty 1670, *That if the Ships which do belong to either of these Kings, or the Subjects of either of them, ſhall by ſtreſs of weather, or otherwiſe, be forced into the Rivers, Bays, Ports, &c. belonging to the other in America, that they ſhall be received kindly, and treated with all Humanity and Friendſhip*, Yet nevertheleſs the *Spaniards* have in direct *Violation* of that *Article*, apprehended and kept ſuch of the *Scots Priſoners*, as were forced a Shoar at *Carthagena* by the Violence of a Storm.

By which as they have plainly made themſelves guilty of an *Infraction* of *Alliances* between the two Crowns; ſo they are become the *Aggreſſors* in a War, which neither his Majeſty nor his *Scots* Subjects have given any juſt cauſe for, or provocation unto. Andas they have thereby rendred it Lawful for the King to oppoſe Force againſt Force, it being received as a *Theorema* of what is Juſt and Right by all Nations, that *Iniquitas partis adverſæ, juſtâ bella ingerit*, that the doing of wrong by one Party, gives foundation of a righteous War on their ſide againſt whom it is committed; and that of all Wars they are the Juſteſt, *quæ ulciſcuntur injurias*, which are undertaken for the avenging of Injuries, ſo the *Spaniards* have made his Majeſty's entring into War againſt them (in caſe they perſevere in that Method) indiſpenſably neceſſary, unleſs he ſhould at once both ſacrifice his own Glory and Honour, and abandon

Vid. Grot. de Jur. Bell. & Pac. lib. 1. cap. 1. & Pufend. de jur. Nat & Gens. lib. 8. cap. 6.

don his people for a prey to such as are causelessly their Enemies. The great Duty of every supreme Ruler being to protect his subjects, from receiving of Injuries, or to revenge them when done. And for this end it is, that people becoming united into Societies, chose and elected such and such to be their Soveraigns, that they might as well defend as govern them; and protect them against wrongs from others, as well as take care for the administring of Justice among themselves. Yea this every King oweth to his People, as they are a part of himself *pars Rectoris*, as *Grotius* expresseth it; He and they making one Political Body, whereof as he is the Head, so they are the Limbs and Members. *Ubi sup. lib. 2 cap. 25.*

And that the aggressed may at all times endeavour, not only to defend themselves against, but that they may also Lawfully attack the Aggressor, while he continueth to pursue his Hostility, seems one of the first dictates of the Law of Nature, being a sentiment wherein all Mankind are agreed: Yea it is the only remedy and relief left by God, and agreed upon by Nations, for the Obviating, Withstanding and Punishing of those, who upon the motives of Ambition, Covetousness, or of any Lust else whatsoever, do seek to Disturb and Injure others. (For as *Puffendorf* says, *Vanum fuisset praecepisse ne alter laedatur, si ab de facto in laesus fuerit, damnum ipsi gratis sit devorandum, & qui laesit, fructu sua injuria secure, & citra refusionem gaudere queat, It were a vain thing to have prohibited the doing wrong by one to another, if he who suffers the Injury,* *Ubi sup. lib. 3. cap. 1. §. 2.*

shall be obliged tamely and remissleſsly to bear it, and he who commits it, ſhall without reprisal made upon, and reparation exacted of him, be allowed in Quietneſs and Safety to enjoy the fruits of his Violence and Rapine. Nor have the moſt civilized Nations accounted any provocations whatſoever to be a Juſter cauſe, for their making War, than their having Injuries done to their people. *Majores Noſtri*, ſays *Cicero*, *ſæpe Mercatoribus & Navicularijs injurioſius tractatis bella geſſerunt, Our Anceſtors denounced and commenced Wars, in caſe their Merchants, or their Mariners, were wrongfully and abuſively dealt* with, which he repeats again elſewhere, ſaying, *Quot bella Majores noſtri ſuſceperunt, quod cives Romani injuria affecti, Navicularii retenti, Mercatores ſpoliati dicerentur; how many Wars have our Forefathers undertaken and purſued, becauſe of Roman Citizens being Injured, their Subjects* made Priſoners, and their Merchants pillaged.

Orat. ad Quirites.

Orat. 2. cont. Ver. 2.

But I hope as well as deſire, that the *Spaniards* will ſo far bethink and recollect themſelves, as not to proſecute a War againſt thoſe, that have neither wronged them, nor are willing to be their Enemies, and that they will not only forbear all further Hoſtility, but make Satisfaction for any Injury they have done. Towards the effecting whereof, little more will be demanded, than the releaſing of thoſe, whom they illegally and unrighteouſly detained as Priſoners, when thrown upon their ſhoar by the Violence of a Storm; and for the reſtoring of whom, they may have alſo ſuch of their own in exchange, who became lawful Priſoners to the *Scots*; thro'

thro' being taken in actual Hostility, and in the Field of Battle. And that the *Spaniards* may be brought to calm thoughts, and to a cool temper, it may not be amiss to offer to their consideration, that the stakes for which the *Scots* and *they* are about to quarrel, are so far from being equal, that what the *Spaniards* are ready to hazard, and going to put upon the *Dice* of War, is vastly beyond what the *Scots* can be exposed to the Risk of. It being plain that the whole which they are capable of losing is a little spot of ground upon the *Isthmus*, and a few men; whereas the *Spaniards*, are about to venture no less than all their Colonies there, and some of the Richest Provinces which they have in *America*, together with greater proportions of men, whom they are not so over stocked with, as to chuse to be prodigal in hazarding them. And as the *Spaniards* ought seriously to ponder, how uncertain the Issue of the War may prove, so they cannot be ignorant, if success should attend the *Scots*, what they will rightfully thereupon become entitled unto. It being settled as a rule among all Nations, that in such a case, *Omnia bona quæ Victus habuit victoris fieri, whatsoever was his, or theirs, who are conquered, doth in right become theirs who Conquer them. Et quæ ex hostibus capiuntur, statim capientium fiunt, And that all that is taken from Enemies, doth by the Laws of Nations, fall under the legal Property, as well as the possession of those that subdued them and took it.* But this being a Subject that I have no call

Vid. Grot. ubi sup. lib. 3. cap. 6.

to

to Meddle with, as being neither framed for the *Cabinet*, nor the *Tent*, I shall both decline it, and put an end to this Discourse.

FINIS.